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George Cooper

STATEMENT

RELATING TO

WILLIAM WYNARD'S CHARITY,

IN

EXETER,

&c.

1865.

W. NORTON
PRINTER TO THE TOWN COUNCIL,
EXETER.



[The Original Ordination and Charter are printed in an Appendix, with Translations of each, for convenience of Reference.]

STATEMENT, &c.

By deed bearing date 4th September, 17 Henry VI. (1439), preserved amongst the documents of the Chamber of Exeter, Sir Philip Courtenay, Knight, Sir William Bonville, Knight, and William Filham, late Archdeacon of Cornwall, demised, granted, and confirmed to William Wynard all those lands, tenements, rents, services, and reversions, with the appurtenances, which they, with Roger Bolter, late Precentor of the Cathedral Church of Exeter, deceased, and John Cobbethorne, Dean of the same Church, jointly held to them and their heirs for ever, of the gift, grant, confirmation, and release of the said William Wynard, and of the grant, demise, confirmation, and release of Sir Robert Shotestroke, Knight, and others, and of the remise, release, and quit claim of Sir John Speke, Knight, and others, in the city of Exon, in the suburbs of the said city, and in Magdalen Street, without the south gate of the same city, in Topsham, in the parish of Topsham, in Duryard, Crediton, within the parish of Crediton, Sidmouth, Sidcombe, and within the hundreds of Crediton, East Budleigh, and West Budleigh, in the

county of Devon ; and also demised, granted, and confirmed to the said William Wynard, all those messuages, lands, tenements, rents, services, and reversions, with the appurtenances, which they, together with the said Precentor and Dean, jointly held to them, their heirs and assigns, for ever, of the gift, grant, and confirmation of the said William Wynard, in South Petherton, in the county of Somerset, to hold to the said William Wynard for life, so as he, with the issues, rents, and profits of all the said premises, should, during his life, find one fit chaplain to celebrate divine service daily, and twelve infirm poor people, within a certain house, called God's House, then lately built by the said William Wynard, to the praise of the Most High and Undivided Trinity, without the south gate of the city of Exon, and should support and maintain or cause to be duly supported and maintained all other burthens of the said house yearly, during his life, according to his Ordinance in that behalf made in writing and to the said deed annexed ; and they also granted that if it should happen that the said William Wynard should die, or that he or any of his assigns, or any other person, by his assent, should break the said Ordinance, or not observe the same in all respects, that then and from thenceforth the estate of the said William Wynard in all the said lands and tenements, with the appurtenances, and in every part thereof, should cease and be at an end, and that

all the aforesaid lands and tenements, with the appurtenances, should, by those presents, wholly and immediately remain to John Bluett, to have and to hold to him for the term of his life, to find one fit chaplain and twelve poor people in manner and form aforesaid, and to maintain and fulfil all other burthens of the said house called God's House, according to the said Ordinance annexed to sustain; and if he the said John Bluett should die, or if he, or any of his assigns, or any other, by the assent of the said John Bluett, should break or not perform the said Ordinance, that then and from thenceforth the whole estate of the said John Bluett in the said lands and tenements, with the appurtenances, and in every part thereof, should cease and for ever be determined, and that all the said lands and tenements, &c., should remain to John Wynard, son of the aforesaid William Wynard, to hold to him and the heirs of his body issuing, upon the same conditions, with remainders over to twelve other persons in succession in tail, upon the same conditions, and an ultimate remainder to King Henry VI., and his heirs, kings of England, for ever, to perform fully the said works of piety, by their escheator in the county of Devon, according to their good pleasure, and as should be agreeable to their royal will, the said escheator duly rendering yearly a faithful account of all his receipts and payments in the king's exchequer.

By the Ordinance annexed to the said deed, bearing

date at its commencement 20th January, 14 Henry VI. (1436), William Wynard, for the increase of God's worship, and for the relief of the wants of infirm poor people who were unable to support themselves, appointed and ordained that in the house without the south gate of the city of Exeter, newly founded and erected at his cost, called God's House, there should be a perpetual chaplain of good and honest conversation, and competent in morals and learning, to be called William Wynard's priest, and constantly (except as after mentioned) personally to reside in the place assigned to him in the said house, and to remain in a certain chapel, parcel of the said house, called Trinity Chapel, which house and chapel, with the garden and close there, the said chaplain and his successors should repair and sustain at the costs of the said William Wynard during his life, and afterwards at the costs of those who should have the lands and tenements in the deed thereunto annexed specified; and by the said Ordinance he appointed that the said chaplain should altogether abstain from any secular cares, ministrations, offices, and public employments, and from any other stipends or salaries, and from all other causes of business, and from all taverns and places whatsoever which might give occasion for his leaving or wandering from the house, or whereby his absence might arise or follow, and especially that they used no suspected places, that being altogether separated from such they might the better apply themselves to the performance of

divine services and offices without hindrance. The said William Wynard by the said Ordinance then gave directions for the services to be performed by the said chaplain daily in the said chapel; provided for the removal of any chaplain convicted of any notable crime, and for the appointment of his successor; required the chaplain to take his oath to observe and cause to be observed all the articles in the said Ordinance touching the said chaplain, to keep the books, vestments, and ornaments of the chapel safely, and so to re-deliver them upon his retirement, use and wear excepted; to keep peace among the poor people, and settle differences between them. And the said Ordinance provided for the maintenance of the said chaplain as follows:—

“ And forasmuch as it is elsewhere written that he who does not work neither let him eat, and on the other hand he that serves at the altar ought to live of the altar, therefore I the aforesaid William Wynard will and determine by these presents that the said chaplain who so as aforesaid shall perform and celebrate the divine services and offices in the said chapel, shall yearly receive eight marks of lawful money of England, at the four principal terms of the year, by equal portions, of the rents, issues, and profits of the said lands and tenements, by the hands of him who shall be seized thereof.” Also that the said chaplain should provide, at his own expense, a loaf of bread and lights sufficient for the performance of

the said divine services and offices, as often as it should be necessary. And because idleness had taught much mischief, and most likely would teach infinitely more evils, the said William Wynard determined and ordained that the chaplain for the time being should daily in the chapel, between the times of divine service, and as he might have leisure, teach three boys at the least, or nine at the most, at the expense of their parents and friends, to read the great Psalter, and to learn the same. And he also appointed and ordained that the twelve poor people should be freely chosen and admitted into the said house by him who should be seized of the said lands and tenements by virtue of the said deed, and should not be removed without reasonable cause, and that they should be continually resident in the places assigned to them in the said house, and should not go about the said city, except to the Cathedral church, the church of the Friars Minors (which they were directed to attend daily), and the cross in Southernhay, except for reasonable cause; and that all the said poor people to the utmost of their power should attend in the said chapel to hear all the divine services there. And with respect to a grant of a certain yearly rent of forty pounds then lately made by Philip Courtenay and William Bonvill, Knights, and others, to John Coteler, Mayor of Exeter, and others, to be received according to his Ordinance, as contained in an indenture tripartite of the said Philip, William, and others, he appointed and or-

dained that as long as he the said William Wynard, and the heirs of his body, and all others who should have an estate in the lands and tenements from whence the said yearly rent should be leviabie for finding and sustaining the said chaplain and twelve poor people in the said house called God's House, should fulfil all the burthens aforesaid according to his Ordinance, the said yearly rent should not be leviabie; but as often as the said William Wynard or any other who should have any estate in the said lands for the finding and support aforesaid should make default in finding and supporting the said chaplain and poor people according to his Ordinance, or should not discharge the said burthens, then and from thenceforth the said annual rent should be leviabie and levied until all defects in this respect should be fully amended in all things; that thenceforth the payment of the said annual rent should cease until another defect should again be found; that all persons who should have an estate in the said lands and tenements to the use of the said chaplain and poor people should have the free disposal of the rents and profits thereof for all future time, to the use of the said chaplain and poor people according to his Ordinance aforesaid, without any obligation to pay the said yearly rent unless they should make default in the finding and support aforesaid. And he appointed and ordained that whensoever it should happen that the said mayor and so many of the twelve persons to whom

the said rent was granted should die, that only six of them should remain alive, the survivors should grant the said yearly rent of forty pounds to two citizens of Exeter, their heirs and assigns, who having seizin of the said rent by attornment of the then tenant of the said lands and tenements, should grant the said yearly rent to the then mayor of the said city, and to the said six survivors; and to six other persons to be named by the said six survivors, and to their heirs and assigns, and so from time to time for ever to have, levy, and receive the same, to amend the defaults of the tenants of the said lands and tenements, and to apply the rent so as aforesaid by them received, to the use of the said chaplain and poor people, for their finding and support, according to his Ordinance. He also ordained that the mayor of the said city for the time being, and the said twelve men having an estate in the said annual rent (if they could be present) should personally visit the said house twice in the year, that is to say, within the octaves of Easter and Saint Michael, and should hear the complaints of the said chaplain and poor people, and apply or cause to be provided a remedy for the same to the extent of their power, who, before they departed, should drink there at each visitation (if they would) a flagon of wine and a flagon of ale, at the costs of the chaplain for the time being, and that the mayor of the said city for the time being should at each visitation receive of the said chaplain 20d., each steward of the said city 4d.,

and each serjeant of the said city 1d.; and he appointed and ordained that each of the said poor people should yearly for ever receive 1d. for every Lord's Day, out of the rents and profits of the said lands and tenements, beyond the sum of 7d. per week before assigned to them, and that a moiety of all the money arising from the rents and profits of the said lands and tenements for ever thereafter remaining beyond what should be required for the finding and support of the said chaplain and poor people, should be reserved to every tenant of the same lands who should fulfil or cause to be fulfilled the said Ordinance, and that the other moiety thereof should be put into a box provided by the said William Wynard, and there be safely kept for the use of the said house of God's House, for avoiding suits and preserving the rights of the said lands and tenements, whereof one key should remain with the mayor of the said city and another with the Dean of Exeter for the time being, and the third with the said William Wynard while he lived, and after his decease with the tenant of the said lands and tenements for the time being; and he declared that the Ordinance as to the said yearly rent of £40 and all that followed in the same was made on the 1st July, 15 Henry VI. (1437); and he further directed that every tenant of the said lands and tenements for the time being should yearly pay to the said chaplain 8s. 8d. for his expenses at the visitation aforesaid.

In Michaelmas term, 1654, a Bill was filed in

Chancery by Richard Crossinge, Esq., late Mayor of Exeter, and others late bailiffs of the said city, for and on behalf of the poor people of the said city, suburbs and liberties of the same, against George Speke, Esq., for the procuring an almshouse many years since erected in the suburbs of the said city of Exeter, by William Wynard, Esq., then recorder of the said city, for the habitation of twelve poor people, and of a chapel and other dwellings belonging thereto, demolished by the soldiers in the late wars, to be rebuilt and repaired again; the weekly pay of the said poor to be augmented and increased, which had been detained from them by the defendant; other abuses in the election and placing of the said poor people there to be redressed; the grants of several rent-charges on the lands given, &c., for the correction of the defaults of the terretenants not performing the Ordinances, to be renewed; the tenants' names in whose possession the said lands then were, to be set forth and declared; the power of the mayor of the said city of Exeter and his brethren to be ratified and confirmed; an account of the rents and profits of the lands and tenements, given since they came to the defendant's hands, to be made and rendered, and the surplus thereof to be brought in and put into a box under three keys, according to the direction of the Ordinance of the said William Wynard, the founder.

Various proceedings took place in the Court of Chancery after the filing of the Bill. The defendant

put in his Answer, and on the cause being ready for publication, in Michaelmas term, 1656, the defendant filed a cross Bill, setting forth that the feoffment of the lands, and grants of the rent-charges made by the founder were for the maintenance of a priest and twelve poor people to perform superstitious services, and by the 1st Edward VI. the rent-charge, or the greatest part thereof, was seized in the hands of the king, and the plaintiff's ancestors became purchasers of the same; and having a pious intention to continue the same houses and maintenance to the poor people there in way of alms, did yearly pay to them several stipends for their support; and although only 8d. by the week was given unto each of them, yet the plaintiff and his ancestors upon several occasions, as they thought fit, have paid them 13d. by the week; that the almshouses and other houses belonging thereto, during the late wars, by order of the magistrates and governors of the said city, were pulled down and demolished, and the plaintiff had paid the said poor people out of his other estates; that the defendants had got in their power and custody the Ordinance, with several other deeds and writings concerning the said houses, lands, and premises, and did thereby pretend themselves to be visitors, and to have power of nominating the poor, and that the said rents were to be paid to them, and did endeavour to charge the plaintiff's lands with more than was ever paid unto the poor.

In Hilary term, 1656, the mayor and other defendants put in their Answer, and set forth the Ordinance and feoffment annexed, and four other several deeds or writings touching two several rent-charges, the one of £40, the other of £50, made by Mr. Wynard's feoffees to the Mayor of Exeter and others for correction of the terretenants not performing the said Ordinance, which remained in the council chamber of the said city of Exeter, under the custody of the mayor and 24 of the common council of the said city, in a box there for that purpose ordained, with other writings and records of and belonging to the said city, and where they had been kept for many years before, and were first brought thither by Mr. Wynard himself, or by his order, as the defendants believed, as to persons intrusted therein by him, and in a place most fit for preserving of evidences of so public concern; and that they had made search what other writings of and belonging to the said almshouses or lands were in their custody, and could find seven other small writings, as letters of attorney, and such like, of little value, in the same box, and that they knew of no others.

These causes coming on for hearing in Easter term, 1657, before the Lords Commissioners, and, being found to be of consequence and difficulty, on 9th May, 1657, it was ordered that a case should be made and agreed upon by the counsel on either side,

and if they should differ, that Mr. Bulstrode, one of the Masters, should settle the same, and then the cause to be heard again.

The counsel not agreeing, the Master, (6th June, 1657,) drew up the case, and certified it to the Court, in which, after setting out the substance of the different documents before mentioned, and particularly of the Ordinance and deeds making the respective rent-charges of £40 and £50, he proceeds as follows :—

The Mayor of Exeter and his brethren before and since 70 years last past, have visited the said alms-house, hearing and endeavouring to remedy the complaints there, but they are now denied that power. The chaplain's stipend of eight marks per annum by the Statute of Chantries, 1 Edward VI., came to the Crown, at which time, as also in 37 Henry VIII., above the finding and sustaining of the said chaplain and the 8d. a piece paid weekly to each of the said poor and the other works of piety, the said lands were worth little, as by certificates thereof recorded in the exchequer appeareth. The lands chargeable with sustaining the twelve poor people came to the father of the defendant Speke, who died seized of them in tail, and from him they descended to the defendant, as his heir, as by office found upon his death appeareth; and the defendant and his ancestors for many years since the Statute of Chantries have paid

eight marks per annum to the crown; they have always repaired the said house and buildings, and placed poor people there, as well of foreign towns and counties as of Exeter; they have anciently paid 8d. per week to each of the twelve poor people, and for above thirty years last past they paid to each of them 13d. per week, whereof 5d. per week is of late years withdrawn. The house and buildings were pulled down by the soldiers in the late wars, and divers houses in the suburbs of Exeter, chargeable to the charitable use, were burned down in the sieges. The lands chargeable discovered, are of the yearly value of £400 or more: the ancient rent of them is £46 or thereabouts per annum. The defendant's grandfather, by fines upon estates made of the premises, received above £450, the defendant by like fines has received above £1,000. The said house and buildings there are not rebuilt since they were pulled down. It appeareth not who was the survivor of the last grantees of the said annual rent of £40, or of the said annual rent of £50, appointed for correction of the defaults of the terretenants in not fulfilling the ordination. No new grants are made of the said several rents of £40 and £50.

These causes coming again to be heard the second time, upon long debate of the matter, and reading of the above case stated 19th June, 1657, it was ordered and declared:

1. That the said almshouses should by the defen-

dant, out of the whole profits of the estate, be rebuilt, repaired, and put into as good condition for the charitable use as it was in the year 1640, before the troubles began ; and by consent the same was referred to Sir Coplestone Bampfild, Bart., and two others, to direct and see the same done.

2. They were to examine what the usage had been in relation to the maintenance of the poor of the said almshouse for the space of sixty years then last past, and to certify the most that had been paid the said almshouse in any one year of that time.

3. The referees were to be armed with a commission for examination of witnesses as they should see cause, and to return the names of twenty-four able persons, out of which their lordships should name twelve, to be added to the Mayor of Exeter, to be visitors of the hospital, attending to the ordination ; and as to the several rent-charges of £40 and £50, their lordships would take the same again into consideration and give further order thereon.

4. That the referees should treat with the defendant and agree on some persons that should from time to time nominate and appoint the poor people for the charitable use, and agree the matter in question touching the defendant's breach of trusts.

5. And also as to the satisfaction of the prosecutor of his costs and charges expended, and also to agree and settle the matter in relation to the moiety of the surplus, or any other matter in difference, if they

could, or to certify, reserving the matter as to the moiety of the surplus of the profits to be further heard upon the case and deeds, if it be not ended.

The referees certified—

1. That they had, with the good liking of the plaintiffs, taken good security in £1,000, that the defendant should, before the 1st day of September, 1658, rebuild and repair the said almshouses.

2. They find that thirty-six or thirty-seven years last past there had been weekly paid to each of the poor people 13d. a man, and not less for sixty years past, that it had been proved till about April, 1654, the defendant would allow but 8d. a week.

3. They certify twenty-four names, whereof twelve are to be added to the mayor as visitors.

4. They find that the defendant's ancestors always put in such persons as they pleased, though they believe that Mr. Wynard, the founder, being recorder of the said city, and the lands given by him for the charitable use lying mostly there, and also appointing the mayor of the city to visit, he did intend the benefit of the almshouses chiefly for the poor of the city.

Upon which certificate the causes were again heard the third time, 18th February, 1657, when it was ordered that the matter be referred to Mr. Justice Atkyns, Mr. Justice Hales, and Mr. Justice Newdigate, or any two of them, who were thereby desired to consider and certify whether, as the

case was, the court by law and justice could increase the maintenance of the poor to more than 8d. a week, and after their certificate made, the court would consider thereof, and of the other points in question, and make further order therein, whereupon Mr. Justice Atkyns and Mr. Justice Newdigate (Mr. Justice Hales absent) certified that they, in presence of counsel on both sides, had considered thereof, and were of opinion that the court might justly increase the maintenance of the poor to more than 8d. a week, so as care were taken in the first place for building and reparations of the houses, and after that the surplus be disposed of according to the ordination.

On 16th July, 1658, the cause being again heard upon the above certificates, the almshouse was ordered to be rebuilt; and the matter then to be determined being what increase of maintenance should be given to the poor, which, as was alleged, depended upon the value of the estates, which had not been fully ascertained, it was ordered that a commission should issue *de bene esse* for discovery of what lands were liable to the charitable use, of what nature they were, and what had been raised and received out of the said lands by fines or otherwise: the commissioners to be named by the court. Upon this inquiry, the following appears to have been the result of the proof by the witnesses examined.

ACCOUNT OF THE CHARITY PROPERTY.

TENANTS' NAMES.	£	s.	d.	Fines Paid.	£	s.	d.	Yearly Rents.	£	s.	d.	Yearly Values.
IN EXETER AND THE SUBURBS.												
1 John Bragge .....	...	...	...	80	0	0	...	2	13	0	...	13 0 0
2 Elizabeth Flaye, widow	...	...	...	10	0	0	...	0	5	0	...	2 0 0
3 Jane Risdon, widow ...	...	...	...	...	...	...	...	0	7	8	...	4 0 0
4 Thomas Blake.....	63	0	0	...	...	...	...	1	0	0	...	30 0 0
5 William Offe .....	...	...	...	10	0	0	...	0	10	0	...	7 0 0
6 William Dashwood.....	...	...	...	12	0	0	...	0	4	0	...	6 0 0
7 Andrew Qnashe .....	...	...	...	70	0	0	...	1	0	0	...	10 0 0
8 Robert Fitcher.....	55	0	0	...	...	...	...	0	14	0	...	8 0 0
9 George Pyle.....	...	...	...	10	0	0	...	0	10	0	...	3 10 0
10 Eleanor Willinge.....	...	...	...	5	0	0	...	0	6	0	...	3 0 0
11 John Baker .....	...	...	...	4	5	0	...	0	6	0	...	2 10 0
12 Thomas Hance .....	...	...	...	...	...	...	...	2	0	0	...	16 0 0
13 Joseph Prouze .....	...	...	...	30	0	0	...	0	10	0	...	25 0 0
14 William Gaytor .....	...	...	...	8	0	0	...	0	8	0	...	0 16 0
15 Thomas Dight.....	...	...	...	36	0	0	...	0	5	0	...	9 0 0
16 Nicholas Gribble.....	...	...	...	12	0	0	...	0	5	0	...	2 15 0
17 William Mathewe	20	0	0	...	...	...	...	2	13	4	...	26 13 4
18 Samuel Izack	15	0	0	32	0	0	...	0	5	0	...	7 0 0
19 Malachi Pyne .....	...	...	...	20	0	0	...	0	12	0	...	0 8 0
20 Henry Palmer	22	0	0	...	...	...	...	1	6	8	...	4 0 0
21 Thomas Kendall	80	0	0	...	...	...	...	1	13	4	...	12 0 0
22 John Martin	54	0	0	...	...	...	...	1	6	8	...	4 13 4
23 Isaac Mawditt, Junr. ...	...	...	...	290	0	0	...	5	17	8	...	28 0 0
24 Roger Cheeke .....	...	...	...	506	0	0	...	10	0	4	...	107 10 0
25 Isaac Mawditt, Senr. ...	...	...	...	370	0	0	...	5	17	8	...	146 10 0
IN TOPPISHAM.												
26 Samuel Wade	40	0	0	...	...	...	...	0	4	4	...	6 0 0
27 Robert Bonner.....	13	6	8	...	...	...	...	0	10	0	...	8 0 0
IN CREDITON.												
28 John Watkyns .....	...	...	...	15	0	0	...	0	5	0	...	1 10 0
29 Edward Lebbett .....	...	...	...	...	...	...	...	0	9	0	...	2 10 0
30 Robert Newcombe .....	...	...	...	90	0	0	...	4	12	10	...	30 0 0
31 John Rowe .....	...	...	...	20	0	0	...	0	7	0	...	2 0 0

* No opportunity having been afforded of seeing the original depositions and proceedings in full, the meaning of the figures in this column could not be precisely ascertained. It appears, however, probable that they were fines discovered to have been paid after the first depositions had been taken, and in that case, as they amount to £362. 6s. 8d., if added to the fines paid the whole would amount to £2,467. 11s. 8d.

TENANTS' NAMES.		Fines Paid.	Yearly Rents.	Yearly Values.
		£ s. d.	£ s. d.	£ s. d.
IN SIDMOUTH.				
32 Susan Verrier .....	...	15 0 0	0 4 0	2 0 0
33 Mary Pearden .....	...	150 0 0	0 18 0	11 0 0
IN EAST BUDLEIGH.				
34 Samuel Richards.....	...	140 0 0	3 13 4	30 0 0
IN SOUTH PETHERTON.				
35 Jonathan Moore .....	...	...	0 19 0	12 10 0
36 Mathewe Vile .....	...	150 0 0	1 16 4	12 0 0
37 Josias Baker .....	...	...	0 8 4	5 0 0
38 John Skelling .....	...	20 0 0	0 16 0	10 0 0
		2,105 5 0	55 5 2	610 15 8

On 6th December, 12 Car. II., the cause was again heard before the Lord Chancellor, Mr. Justice Hide, and Mr. Baron Turner, when it was insisted by the counsel for the plaintiffs, that as the profits of the lands had increased since the making of the ordination, the moiety which was to be to the use of the house, and the arrears thereof, should be brought into a box, according to the direction of the ordination, to be disposed of in such manner as the court should think fit; which the defendant's counsel opposed, in regard that the pretended ordination bore date 14 Henry VI., being above 200 years since, never was put in execution, nor any box appointed for that purpose; and the lands were old rents, and defence of the title concerned the heir that had the lands, to avoid suits, and had no reference to the Charity; and the maintenance of the chaplain was superstitious, and to be given and paid

to the Crown. His lordship finding some difference of opinion between the said judges present, as touching the said moiety, whether the same ought to go for the use of the said house, and increase of maintenance of the said poor, declared that he was not then ready to deliver his opinion thereon. [Here the following words are erased in the office copy:— “particularly in respect of the long continuance of “time since the said settlement, and no execution, “pursuant or complaint, all this while made;” and the following marginal memorandum made:—“This “not in the notes.”] His lordship therefore ordered that the plaintiff should deliver copies of the deed of ordination and feoffment annexed, and of the case thereupon made and agreed, to Mr. Justice Hyde and Mr. Baron Turner, whom his lordship desired to consider thereof, and give their opinions thereupon.

In pursuance of which order, the said judges having made their certificate, and the cause standing in the paper to be heard before the Lord Chancellor and Master of the Rolls, 2nd June, 14 Car. II., upon the same, in the presence of counsel learned on both sides, and upon reading of the said judges' certificate whereby they had certified that they did think fit that the chapel should be repaired by the defendant and made fit for divine service by Michaelmas come twelve months, and that the divine service of the Church should be read there every morning by eight of the clock to the poor, and the owner of the land to appoint one of the secondaries of the cathedral

church in Exeter, to read prayers there, and to allow him twenty nobles per annum for his salary, to be paid quarterly. That the defendant Mr. Speke should pay the poor 2s. a week each for their maintenance in all times to come, and this to be paid unto them weekly, and he to secure the payment thereof by charge upon the lands, or decree of the Chancery, as should be advised. That when the lease of the houses and tenements then in the tenure of Roger Cheeke, lying within the city of Exeter, should be renewed or fall in hand, that upon renewing of the lease thereof the rent reserved should be increased £12 per annum, and to continue for ever thereafter, which £12 should go unto and be equally divided amongst the twelve poor people of the almshouse.

That all the fines, casualties, and profits of all the lands should go and be to the defendant Mr. Speke and his heirs, without any account thereof to be given, charged with the payments before-mentioned, and with the maintenance and reparation of the house and chapel and the other charges named in the ordination, and no future or further increase of maintenance to be claimed or made to the poor in the time to come, but the visitation of the house to be according to the ordination. That the Mayor and Aldermen of Exeter for the time to come should have the nomination of eight of the twelve poor men of the said hospital, of poor decayed tradesmen of the said city, and Mr. Speke and his heirs the appointment of the other four, to be poor decayed men of Devonshire or Somersetshire in turn, as places fall,

viz., the city twice and Mr. Speke the third; and when the city's turn was, they should nominate two poor men of the said city unto Mr. Speke, of which he should admit one to be the almsman within twenty days after such nomination; and those that are appointed by Mr. Speke in his turn, out of Devon or Somerset, should be such as might not be burdensome to the said city, but live upon their own and the allowance of the almshouse. That £100 costs be paid by the defendant Mr. Speke unto the complainants towards the great charges the city of Exeter had been at in prosecuting this suit for the settling of the said almshouse and relief of the poor. Whereupon, and upon hearing what was alleged on either side, the court did order the said certificate of the said judges, and all the matters and things therein contained, should stand ratified and confirmed by the order, authority, and decree of that court, to be observed and performed by all parties, to all intents and purposes according to the tenor and true meaning thereof; and it was further ordered and decreed that the said lands should stand chargeable to the performance of the decree; and that the owners of the said lands, when it came to their turns to nominate as aforesaid, should, within three months after the decease of any of the said almsmen, nominate another to succeed him therein.

Under this decree the Charity has been administered up to the present, and the following is an account of the property charged with providing the funds for its support:—

RENTS issuing out of lands, tenements, and hereditaments charged with the support of the
Wynard's Hospital, Exeter.

Present Owner of Land.	Lands Charged.	Yearly Rent.
Heirs of Hugh Oxenham and Dr. Eveleigh	Several houses in the parish of Saint Mary Major and the Holy Trinity, Exeter, and St. Leonard's, Devon	£ s. d. 23 6 8
Heirs of Henry Cross	A messuage in St. Petrock's, Exeter	5 0 0
David Hitchcock	A messuage in St. John's, Exeter	7 0 0
Heirs of Mr. Johnson	A messuage in North Street, parish of St. Petrock, Exeter	5 0 0
Trustees of George's Meeting-house, Exeter	Their burying ground, Magdalen Street, Exeter	2 2 0
Heirs of Mr. Johnson	Messuage in Theatre Lane, St. Paul's parish, Exeter	1 0 0
Richard Eales, now E. Granger, Esq.	Garden in Castle Street, St. Lawrence, Exeter	3 3 0
Richard Eales and Mrs. Andrews	A garden in Castle Street, formerly Luke's	1 6 0
E. Granger, Esq.	The old orchard in Castle Lane, St. Paul's parish	0 12 0
Trustees of Meeting House School	Several dwelling-houses in Castle Street, parish of St. Lawrence	0 10 0
Trustees of Exeter Penitentiary	A messuage and garden in Holloway Street	0 4 0
Mrs. Mary Edwards	A messuage in Magdalen Street, formerly Dunsford's	1 10 0
Mr. John Clapp	A messuage in Goldsmith Street, formerly the old Three Cups Inn	2 0 0
Mr. Crabb	A messuage in Fore Street, in the parish of Allhallows	0 16 0
Mr. George Turner	A messuage in Stepcoote Hill, in the parish of St. Mary Steps	1 10 0
Miss Bowditch	A messuage in Magdalen Street, Exeter	0 7 6
Miss Williams	Several dwelling-houses in the parish of St. Pancras	2 0 0
Benjamin Cleeve, Esq.	A messuage and lands in Cheriton, Devon	4 12 10
Carried forward...		62 0 0

Present Owner of Land.	Lands Charged.	Yearly Rent.	
		£	s. d.
Mr. Pope ...	A message in Topsham, Devon	62	0 0
Rev. Mr. Pyle ...	A message in Fore Street, Topsham ...	0	10 0
Mr. Samuel Walkey ...	A message and lands called Wynard's, in East Budleigh, Devon ...	0	4 4
Representatives of Mr. Hooper ...	A message and lands in Budleigh and Withycombe ...	3	13 4
Mr. James Penny ...	A message in the Fore Street, Exeter ...	0	18 0
Mr. Charles Brutton ...	A message in Castle Street ...	6	6 0
Mr. Sugg and Mr. Allen ...	Two dwelling-houses between the "Ship and Bulls Inn," Goldsmith Street, Exeter...	1	0 0
Mr. Joseph Dennis ...	The "Jack Horse Inn," Smith Street ...	2	2 0
Mr. George Jury ...	The "Blue Boar's Head Inn," Magdalen Street ...	5	0 0
C. Flood, Esq. ...	Late Gibbing's House, Magdalen Street ...	1	0 0
Mr. William Crockett ...	Late Dawe's, in Fore Street, Exeter ...	1	10 0
Mr. Callum ...	Message and premises in Goldsmith Street ...	1	8 0
Mr. Stephens ...	Dwelling-house, yards, stable, and premises, in Castle Street ...	2	2 0
C. H. Turner, Esq. ...	Several houses in Fore Street and Friernhay Street, parish of St. John, Exeter...	2	2 0
James Townsend ...	Several messages, gardens, and lands, in parish of St. David, Exeter ...	4	4 0
Charles Sclater ...	A message and gardens in parish of Holy Trinity, formerly Hewet ...	4	0 0
Thomas Coffin ...	Cottage and Garden in parish of Trinity ...	10	10 0
Mr. Bidwell ...	The "Mount Radford Inn," in Magdalen Street ...	0	15 0
		10	0 0
		£119	4 8

The above account of the original foundation and Charter is taken from the original documents in the possession of the Corporation of Exeter; the account of the proceedings in equity and of the decree are taken from Mr. Eagle's Report on the Exeter Charities, published by order of the House of Commons.

Mr. Mark Kennaway, of Exeter, now claims to be the patron of this Charity, and to act therein as he may think proper, without any visitation by the Mayor and Alderman, and without any control whatever, and denies the right of the Mayor and Aldermen to nominate any poor people to the said Charity.

During the continuance of the old corporation (the Mayor, Bailiffs, and Commonalty of Exeter) in office, the mayor and aldermen visited the Wynard's Charity on a fixed day in every year, namely, on the Saturday next after the Mayor was sworn into office; but after the passing of the Municipal Corporation Reform Act, in 1835, the visitations were not so frequent; they, however, visited occasionally, and always made nominations to Mr. Kennaway for appointments to be made by him when they were aware of vacancies to which they had a right to appoint; but the fact of the occurrence of any vacancy was never notified to them by Mr. Kennaway, or by his directions; the mayor and aldermen knew it, and that occasionally, only by applications being made to them to nominate.

In November, 1843, the mayor and aldermen nominated Henry Selley and William Wood. Henry Selley was admitted.

In May, 1846, the mayor and aldermen nominated John Gale and Joseph Roberts. John Gale was admitted.

In November, 1854, the mayor and aldermen nominated William Champ and John Layman. William Champ was admitted.

In December, 1855, the mayor and aldermen nominated Henry Narraway and John Layman. Henry Narraway was admitted.

On the 22nd April, 1857, the mayor and aldermen met and came to the following resolutions:—

“Resolved—That Thomas Williams and Charles Dennis be recommended to Mr. Kennaway, from which he is to choose one for the house vacant by the death of Henry Selley.”

“Resolved—That the Town Clerk be directed to keep a register of the persons appointed to the Wynard’s almshouses, and that Mr. Kennaway be requested upon any appointment by him to have the kindness to communicate to the Town Clerk the name of the person so appointed.”

“That some arrangement be made by which the death of any person dying in the Wynard’s almshouses be immediately communicated to the Town Clerk, and that he do forthwith send notice thereof to the Mayor and Aldermen.”

On the same day, the following letter was sent to Mr. Kennaway:—

“DEAR SIR,—The Mayor and Aldermen have
 “directed me to inform you that they recommend
 “Thomas Williams, of No. 12, Clifton Road, St.
 “Sidwell’s, joiner, and Charles Dennis, of St. Sid-
 “well’s, hellier and plasterer, from which you will
 “please to appoint one to the house in the Wynard’s
 “Charity, vacant by the death of Henry Selley.

“I am directed to keep a register of the persons
 “appointed, and to request that upon your making
 “any appointment you will have the goodness to
 “send me the name of the person appointed.

“I remain, dear Sir, yours very truly,

“JOHN GIDLEY, Town Clerk.”

“Exeter, 22nd April, 1857.”

“Mark Kennaway, Esq.”

Thomas Williams was admitted, but no notice was taken by Mr. Kennaway of the request, and he never communicated to the Town Clerk when he made any appointment.

On the 23rd June, 1858, the mayor and aldermen held a meeting, at which the following resolutions were passed :—

“Resolved—That the Mayor and Aldermen of
 “Exeter are entitled to the nomination of eight
 “of the twelve poor men of the said hospital, and
 “Mr. Kennaway to the appointment of the other
 “four, as places fall, viz., the mayor and aldermen
 “twice, and Mr. Kennaway the third, and that in
 “future the rights of the Mayor and Aldermen be

“observed, that they may have their fair proportion
“of almsmen, namely, the Mayor and Aldermen
“eight, and Mr. Kennaway four.”

“There being now a vacancy in the said hospital
“by the death of James Mason, resolved that Charles
“Dennis and Thomas Bray be nominated to Mr.
“Kennaway, to appoint one of them to the vacant
“almshouse.”

A copy of the above resolution and nomination was sent to Mr. Kennaway on the 26th June, 1858, but Charles Dennis was not admitted. Mr. Kennaway requested the then mayor (Henry Hooper, Esq.), that the appointment might not be pressed, as James Mason had left a widow who occupied the house, but who was so ill that her death was expected to take place in a few weeks, and upon this representation the matter was allowed to rest.

Nothing further took place except visitations, until May, 1862, when petitions were presented to the mayor and aldermen from poor persons of Exeter, desiring to be admitted to a vacant house. Upon the 24th of that month, the mayor and aldermen met, and directed that inquiry be made as to the then vacancy, the then present inmates, and by whom they were appointed.

Upon such inquiry it appeared that the inmates were as follows :—Thomas Stephens, William Melhuish, John Routley, William Hill, Elizabeth Trott, John Leyman, and Mrs. Pitts, appointed by Mr.

Kennaway, and John Gale, William Thomas, William Champ, Henry Narraway, and Thomas Williams, nominated by the mayor and aldermen.

On the 31st May, 1862, the mayor and aldermen again met, when the town clerk presented a statement of the decree regulating the Charity, and a list of the then inmates, and by whom they were appointed, as above stated; and the mayor and aldermen came to the following resolution:—

“Resolved—That the town clerk do write to Mr. Kennaway, and request he will have the goodness to explain how it has happened that he has appointed seven out of the twelve alms people to be resident in the Wynard’s almshouses, he having the right of appointing only four, and why females are allowed to occupy houses there, not being eligible, and why others who occupy houses there by his appointment are not qualified according to the decree, and to call Mr. Kennaway’s attention to the resolution of the mayor and aldermen of the 23rd June, 1858, of which a copy was then sent to him.”

“Resolved—That this meeting be adjourned to Saturday, the 7th June, 1862, at one o’clock, to receive Mr. Kennaway’s answer.”

Upon this the Town Clerk wrote to Mr. Kennaway, as follows:—

“Wynard’s Charity.”

“DEAR SIR,—On the other side I beg to send you a copy of the resolutions of the Mayor and Alder-

“ men of Exeter at their meeting to-day, and request
 “ to be favoured with your answer in time for their
 “ meeting on Saturday next.

“ I remain, yours very truly,

“ JOHN GIDLEY.”

“ Exeter, 31st May, 1862.”

“ Mark Kennaway, Esq.”

“ Hoopern House,

“ 6th June, 1862.

“ MY DEAR SIR,—I enclose you my answer to
 “ the resolutions of the visitors of the Wynard’s
 “ Charity, and I may say to you that I cannot but
 “ think that these have originated in some dissatis-
 “ faction that the visitation is not annual. I there-
 “ fore desire to explain to you that 43 years ago,
 “ when this duty devolved upon me, I found that those
 “ who had preceded me for 30 years had never at-
 “ tended personally to receive the mayor, and the
 “ whole arrangements for entertaining him were of
 “ such a style as were not likely to induce the
 “ visitors to attend. The visitations in my time
 “ have not been annual, but I have always myself
 “ attended, and have entirely changed the prepara-
 “ tions for the mayor’s reception, and it appeared to
 “ me that the visitations at the period they have
 “ been held have answered all the purposes intended,
 “ and many magistrates have agreed with me in that
 “ opinion. If the mayor and visitors desire to return
 “ to the old system of annual visitations, you have
 “ nothing to do but to express to me their pleasure,

“and I will take care that the ancient preparations
“shall be made for their reception.

“I remain, my dear Sir,

“Yours very truly,

“MARK KENNAWAY.

“Jno. Gidley, Esq.”

“MY DEAR SIR,—I can assure you that no dis-
“satisfaction has been felt that the visitations of the
“Wynards have not been annual, for the mayor and
“aldermen well knew that it was only for them to
“express their intention to visit, and that they would
“have been most readily and kindly received by
“you. I do not know what took place before 1825,
“as to the visitations, but in that and every suc-
“ceeding year till 1836, when the town council
“came into office, the visitations were annual, and
“always on the same day, namely, on the Saturday
“after the Mayor was sworn into office, upon which
“occasions you attended personally. Since the
“alteration of the municipal law the visitations
“have not been annual, but whenever they have
“taken place you have personally received the
“visitors in a most liberal and hospitable manner,
“but the mayor and aldermen think this imposes
“on you an unnecessary expense, and would prefer
“that in future the visitations should be without
“cost to you.

“The inquiries at the visitations have usually
“been whether the almsmen were satisfied, whether

“they had any cause of complaint, and as to the
 “state of the buildings, and had no reference to the
 “right of appointing the inmates.

“I remain, my dear Sir,

“Yours very truly,

“JOHN GIDLEY.

“Exeter, 14th June, 1862.

“Mark Kennaway, Esq.”

“Hooper House,

“6th June, 1862.

“DEAR SIR,—An injury to my right hand obliges
 “me to reply to your letter of the 31st May, through
 “the aid of an amanuensis.

“The reason why my appointments to the
 “Wynward’s Charity almshouses exceeds those of
 “the mayor and aldermen is, that for several years
 “after the dissolution of the corporation of the
 “‘Mayor, Baliffs, and Commonalty’, none of the new
 “authorities (for reasons I have not inquired into)
 “presented to me any persons to fill the vacancies
 “of the almshouses, and it became my duty to fill
 “them up.

“During the 43 years I have held the Charity,
 “females have occupied some of the houses, as I
 “know women did long before it devolved upon me;
 “and that occupation has frequently received the
 “approval of the visitors, and sometimes been made
 “at their request.

“There has been but one vacancy filled up since

“the last visitation (three or four years ago), when
 “all the inmates appeared before the visitors in the
 “chapel, and you are probably a more fit person
 “than myself to inform the present Mayor of the
 “high terms in which the visitors conveyed to me
 “their approbation of the whole conduct of the
 “Charity.

“I am, Sir,

“Yours faithfully,

“M. KENNAWAY.

“Jno. Gidley, Esq.,
 Town Clerk.”

The mayor and aldermen met on the 7th June, 1862, when the foregoing letters were laid before them, and they adjourned to the 14th. On the 14th they again met, when the following answer to Mr. Kennaway's letters was read and approved, and was directed to be forwarded:—

“DEAR SIR,—Wynard's Charity,—I have laid your
 “letter of the 6th instant before the mayor and
 “aldermen, who desire me to say that the mayor and
 “aldermen for the time being presented persons to
 “you to fill the vacancies in the almshouses, in 1843,
 “1846, 1851, 1854, 1855, and 1857, the house to
 “which their nominee was appointed in 1843 being
 “now vacant, that they have never been indifferent
 “to the exercise of their right of presenting candi-
 “dates for admission, but that although they have
 “requested that notice of any person dying in the

“almshouses might be sent to the town clerk for their information, they have not received any notice, and they consider such notice should always be sent. The mayor and aldermen desire me also to say that they have never sanctioned the appointment of women to the Charity, which is founded exclusively for men, and they consider it their duty to object to the appointment of any female.

“They now claim to be entitled to make three appointments, having but five nominees in the almshouses, whereas they should have eight.

“Upon the last visitation the approbation expressed by the visitors, and which they still think you amply merited, had reference to the improvements made by you, particularly in the restoration of the chapel. There was at that time no vacancy in any of the houses, and their attention was not called to the manner in which the then inmates had been appointed.

“The mayor and aldermen will meet again on Saturday, the 21st instant, to receive your answer.

“I remain,

“Yours faithfully,

“JOHN GIDLEY,

“Town Clerk, Exeter.

“14 June, 1862.

“Mark Kennaway, Esq.”

The mayor and aldermen again met on the 21st June, 1862, when the following letter from Mr. W. B. Kennaway was read:—

“Hooper, Exeter,

“20 June, 1862.

“DEAR SIR,—My father desires me to inform
“you he has been too ill this week to attend to
“business, and he will reply to your letters as soon
“as he is sufficiently recovered.

“I am,

“Yours faithfully,

“W. B. KENNAWAY.

“John Gidley, Esq., Exeter.”

The mayor and aldermen thereupon resolved that the meeting be adjourned till Thursday then next, at one, when they hope to receive Mr. Kennaway's answer; and the following letter was sent to Mr. Kennaway.

“DEAR SIR,—Wynard's,—At a meeting of the
“mayor and aldermen held this day 21 June,
“1862, a letter from Mr. W. B. Kennaway having
“been read, it was resolved that this meeting be ad-
“journd to Thursday next, at one o'clock, when
“they hope to receive Mr. Kennaway's answer.

“Yours very truly,

“JOHN GIDLEY,

“Town Clerk, Exeter.

“21 June, 1862.

“Mark Kennaway, Esq.”

To which Mr. Kennaway replied as follows:—

“ Hoopern House, Exeter.

“ 25 June, 1862.

“ DEAR SIR,—It is not to be expected that a
 “ matter little other than personal to myself should
 “ find a place in your memory, charged as it is with
 “ so many important affairs : not so with me. In-
 “ timately concerned in what took place at the last
 “ Wynard’s visitation, I well recollect the unquali-
 “ fied approbation of the visitors, of the *entire*
 “ *conduct* of the Charity, as well as my own reply
 “ of acknowledgment. But there is a *fact* not con-
 “ nected with the restoration of the chapel, which
 “ admits of no doubt, that after divine service there,
 “ the visitors (through you) called by name each
 “ of the persons they recognized as having the proper
 “ right of habitation in the hospital, and all so
 “ called appeared (as they had on previous visita-
 “ tions), and answered all questions.

“ The same persons, save one, are *now* the inmates.
 “ I was present to hear any objections to any of
 “ them as habitants, but none were made, and three
 “ years and a half have since elapsed and none have
 “ been made, until the resolution of the 31st May
 “ last, lately received, and which appear to me fully
 “ answered by the acts I have referred to.

“ You will find the house last vacant, and now
 “ occupied, was previously inhabited by one Mason,
 “ appointed by myself, and not by the visitors as
 “ you state.

“ With regard to the occupation of females, I

" believe it has existed above a century, and I
 " twenty years ago, appointed Ann Reeves, and the
 " visitors Mary Gribble, both of whom dwelt many
 " years, and their residence was frequently sanctioned
 " on the attendance of the visitors. It appeared to
 " me in both these appointments true charity was
 " exercised by both the visitors and myself, and
 " I should not like to change a practice so long
 " established. The suggestion of the visitors which
 " intimates their opinion that the ' collation '
 " directed to be provided at the visitation might
 " henceforth be discontinued, affords me the oppor-
 " tunity of suggesting for the visitors' approval a
 " scheme by which the expense thus hitherto
 " incurred should be in future directed to benefit
 " the Charity.

" The visitors will find that the founder directed
 " there should be *daily* prayers in the chapel, but
 " the sum assigned (£6 : 13 : 4) with the rent of
 " the chaplain's dwelling (£6 : 6 : 0) is inadequate
 " to fulfil the founder's directions in this respect.

" The accustomed expense of the ' collation ' for
 " many years before I became patron was £5 : 11 : 0.
 " I find on inquiry that £40 *a-year* would be required
 " to provide the inmates with the benefit of daily
 " divine service by the chaplain.

" The patronage of the appointment to the houses
 " being in two parties, and the larger number resting
 " with the visitors, if the benefit I contemplate is
 " obtained for their nominees and my own without

“ any charge or cost to them, I submit it would be
 “ but fair the nominations hereafter should be made
 “ equal.

“ Provided the visitors accepted this as equitable,
 “ I would engage, so long as the nominations to the
 “ houses continued alternate, to endow by deed out
 “ of real estate the chaplain’s office with such sum
 “ as should augment his salary to £40 a year, to be
 “ paid so long as divine service was performed daily
 “ to the inmates in the chapel.

“ By the same deed it should be provided that
 “ the visitors’ nominations should be absolute, and
 “ they should be relieved from proposing two per-
 “ sons for my selection of one, and notice should be
 “ given them of each vacancy, the first next being
 “ that of the visitors.

“ In case the visitors should be disposed to en-
 “ courage me in this scheme by their approval, I
 “ shall be ready to carry it out *by deed duly enrolled*
 “ *at my expence.*

“ I remain, dear Sir,

“ Yours faithfully,

“ MARK KENNAWAY.

“ John Gidley, Esq.”

The mayor and aldermen met on the 26th June, 1862, and having taken Mr. Kennaway’s letter into their consideration,

“ Resolved—That the town clerk do inform Mr.
 “ Kennaway that it is their intention forthwith to

“ appoint an almsman to the house vacated by the
 “ death of Mason, that they are willing to forego
 “ any question which may arise as to the former
 “ appointments, and that as far as they lawfully can
 “ they are willing to accede to the proposals in Mr.
 “ Kennaway’s letter, twelve houses being provided
 “ for occupation by almsmen, to which the mayor
 “ and aldermen shall appoint absolutely, alternately
 “ with Mr. Kennaway, as vacancies occur, notice
 “ being sent to them of every vacancy; all the
 “ appointments in future being made pursuant to
 “ the direction in the decree.”

Which was communicated to Mr. Kennaway by the following letter:—

“ DEAR SIR,—Wynard’s,—I beg to send with
 “ this a copy of the resolution of the visitors at their
 “ meeting to day.

“ I remain, dear Sir,

“ Yours very truly,

“ JOHN GIDLEY.

“ Exeter, 26th June, 1862.

“ Mark Kennaway, Esq.”

To which Mr. Kennaway sent the following reply:—

“ Hoopern, 27th June, 1862.

“ DEAR SIR,—Wynard’s Hospital,—I have received
 “ yours of yesterday’s date.

“ I hope the visitors will not break the peace
 “ which has now existed between them and the
 “ patrons for more than 150 years. The last war
 “ was a very expensive one, but with the fear of that

“ before my eyes, I should feel compelled to defend
 “ the occupation of my poor family, now in this
 “ Charity, with the same resolve I would that of my
 “ own home.

“ From the severe illness of one of the inmates,
 “ the visitors will be sure of the exercise of their
 “ patronage at a very early period, without disturb-
 “ ing a very poor and destitute widow having two
 “ children, one being an idiot, besides entirely
 “ prostrating a scheme suggested (expressly to
 “ produce agreement) for providing for ever an
 “ important benefit for *all* the alms people.

“ I remain,

“ Yours very truly,

“ MARK KENNAWAY.

“ John Gidley, Esq.”

The mayor and aldermen again met on the 5th July, 1862, when the above letter from Mr. Kennaway was read, and it was—

“ Resolved—That the town clerk do write to Mr.
 “ Kennaway and request him to meet the mayor
 “ and aldermen at the Guildhall in conference, on
 “ Thursday, the 10th, or Saturday, the 12th instant,
 “ at one o’clock ; and that he be requested to inform
 “ the town clerk which of the days will suit him in
 “ the course of Monday, that the mayor and alder-
 “ men may be summoned,”

Which was communicated to Mr. Kennaway by the following letter :—

"DEAR SIR,—I am desired by the mayor and aldermen to request you will meet them at the Guildhall in conference relative to the Wynard's Charity, on Thursday, the 10th, or Saturday, the 12th instant, at 1 o'clock, afternoon, and to beg you will inform me in the course of Monday next which of the days will suit you, that the mayor and aldermen may be summoned.

"I remain, yours very truly,

"JOHN GIDLEY, Town Clerk.

"Exeter, 5th July, 1862.

"Mark Kennaway, Esq."

To which the town clerk received the following answer :—

"Queen's Hotel, Cheltenham,

"8th July, 1862.

"DEAR SIR,—Wynard's,—I have this morning received your note of the 4th.

"I am here for my health, and my return is uncertain, depending on my medical adviser.

"When I am in Exeter again I will inform you, but it may not be for some time.

"I remain, yours very truly,

"MARK KENNAWAY.

"John Gidley, Esq."

The mayor and aldermen again met on the 26th July, 1862, when the town clerk reported that he had received a letter from Mr. Kennaway, from Cheltenham, stating that he was absent on account

of ill health, and that his return was uncertain, and would not probably take place for some time.

“Resolved—That the town clerk do prepare a statement of the foundation of the Charity, of the decree regulating the same, and of the recent transactions relating thereto, to be laid before this body.”

The Mayor and Aldermen again met on the 23rd August, 1862, when the statement relative to the Wynard's Charity, prepared according to their directions, was read and considered.

“Resolved—That the statement be sent to each of the aldermen for perusal, who is requested to keep it not exceeding two days, and when perused to forward it to the next alderman in the list.”

The mayor and aldermen again met on the 22nd November, 1862, when the proceedings of the meetings of the 26th July and 23rd August, 1862, were read.

“Resolved—That the Mayor and Aldermen will visit the Wynard's Charity on Saturday, the 6th December next, at one o'clock in the afternoon, and that notice of the intended visit be sent to Mr. Kennaway.”

“Resolved—That the mayor and aldermen do meet at the Guildhall, on the Monday following the visit, at one o'clock in the afternoon.”

Of which intended visitation the following notice was sent to Mr. Kennaway :—

“ Exeter, 22nd November, 1862.

“ DEAR SIR,—I am directed to inform you that
“ the Mayor and Aldermen of Exeter intend to visit
“ the Wynard’s Charity, on Saturday, the 6th De-
“ cember next, at one o’clock in the afternoon.

“ I remain, yours faithfully,

“ JOHN GIDLEY, Town Clerk.

“ Mark Kennaway, Esq.”

Upon this visitation the following appeared to be the inmates of the charity :—

WYNARD’S CHARITY.

Visitation, 6th December, 1862.

Names as given in at the Chapel as Occupiers of the Almshouses.	Results of inquiries and obser- vations.
1. John Layman ..	Appointed in 1857, by Mr. Kennaway. Aged 68.
2. William Hitt ..	Appointed six years ago by Mr. Kennaway. (Ap- pointed in 1851.)
3. William Mellish..	Lives with Mr. Kennaway. Appointed 18 years ago by Mr. Kennaway.
4. Henry Narraway..	Appointed by the mayor and aldermen in 1856.

5. Samuel Trott .. Appointed six years ago by Mr. Kennaway ; worked for Mr. Kennaway. Elizabeth Trott lives with Samuel Trott, her son.
6. Thomas Stevens.. Appointed 24 years since by Mr. Kennaway. Aged 69.
7. William Pitts .. Who was not an almsman : died six months since ; his son William Pitts is living, and occupies the house. His mother Harriet Pitts lives with him.
8. John Gale Has been here 17 years. Appointed by the mayor and aldermen.
9. William Thomas.. Has been here 11 years. Appointed by the mayor and aldermen.
10. Thomas Williams . Appointed Midsummer, 1856, by the mayor and aldermen.
11. William Champ.. Appointed seven years ago by the mayor and aldermen.
12. John Routley .. Has been here 14 years. Appointed by Mr. Kennaway ; lives with Mr. Kennaway.

The mayor and aldermen met again on the 8th

December, 1862, when the following proceedings took place :—

“ The mayor and aldermen having on the 6th instant visited the Wynard’s, express their satisfaction at the state of the chapel, and the general condition of the almshouses with reference to the improvements which appear to be in progress.

“ It appearing that the occupation of an almshouse by Mrs. Pitts is not according to the decree, and that the nomination by the mayor and aldermen in 1858 to the vacancy caused by the death of James Mason, was not acted upon by Mr. Kennaway—

“ Resolved—That John Ellis and William Fortescue be nominated to Mr. Kennaway to appoint one to the house now occupied by Mrs. Pitts, and formerly occupied by J. Mason.”

Which was communicated to Mr. Kennaway by the following letter :—

“ Exeter, 27th December, 1862.

“ DEAR SIR—The Wynard’s Charity—I am directed by the Mayor and Aldermen of the City of Exeter to inform you that it appears to them that the occupation of an almshouse by Mrs. Pitts is not according to the decree, and that the nomination by the mayor and aldermen, in 1858, to the vacancy caused by the death of James Mason, was not acted upon by you. They now nominate John Ellis, of Magdalen Street, shoemaker, and William Fortescue, of The Close, plasterer, one of whom you will please to appoint to the house now

“occupied by Mrs. Pitts, and formerly occupied by
“James Mason.

“I remain yours very truly,

“JOHN GIDLEY, Town Clerk.

“To Mark Kennaway, Esq.”

To which Mr. Kennaway sent the following
reply:—

“Hooper, 2nd January, 1863.

“DEAR SIR—Wynard’s—In answer to yours of
“the 27th December, I beg to refer you to mine of
“the 28th June last, which claimed to have the
“present occupation of the almshouses deemed
“part of the scheme offered the visitors of my letter
“of 24th June.

“Not having received any objection I concluded
“the point was settled as I had put it, and soon
“after I contracted to purchase some premises to
“carry out my scheme.

“If my letter of the 28th June did *not* set at
“rest the point of the occupation of the houses, I
“submit I should have been so informed, and beg
“now to know if I am to infer as much from yours
“of the 27th December, and that my proposed en-
“dowment of the chaplain is thus rejected.

“Yours very truly,

“MARK KENNAWAY.

“John Gidley, Esq.”

The mayor and aldermen again met on the 17th
January, 1863, when the minutes of the meeting of
8th December, 1862, and the letter from the town

clerk to Mr. Kennaway, and also the letter from Mr. Kennaway of the 2nd January, 1863, were read.

Resolved—That the following answer be sent to Mr. Kennaway by the town clerk:—

“ Exeter, 17th January, 1863.

“ DEAR SIR,—The Wynard's Charity,—I have
 “ laid your letter of the 2nd instant before the
 “ Mayor and Aldermen, who direct me to call your
 “ attention to my letter to you of the 5th July last,
 “ requesting a conference, and your reply to me
 “ from Cheltenham, of the 8th July last, stating
 “ that on your return to Exeter you would inform
 “ me, and that no communication has been received
 “ from you since.

“ Finding no notice taken by you of their request
 “ for a conference, the Mayor and Aldermen con-
 “ sidered it to be declined, that all negotiations were
 “ at an end, and that they were left to take such
 “ steps as they might think right.

“ Under this feeling the late visitation was held,
 “ and at a subsequent meeting the Mayor and Alder-
 “ men proceeded to nominate two persons, which
 “ by their resolution of the 26th June last, they
 “ stated their intention to do, of whom you were to
 “ appoint one to the house vacated by the death of
 “ James Mason.

“ With respect to your proposal, which you assume
 “ was agreed to, I am directed to state that the
 “ Mayor and Aldermen saw grave objections to it.

“ They were then desirous to meet you on the subject for the purpose of discussing it; but upon more mature consideration they feel it to be their duty to adhere to the decree.

“ I am, therefore, instructed to request an answer from you whether or not you will appoint one of the candidates nominated by the Mayor and Aldermen.

“ I remain, dear Sir,

“ Yours very truly,

“ JOHN GIDLEY,

“ Town Clerk.

“ Mark Kennaway, Esq.”

The Mayor and Aldermen again met on the 31st January, 1863, when the following proceedings took place :—

“ Read the proceedings of the last meeting.

“ The Mayor and Aldermen finding that no answer has been received to the letter which they directed the town clerk to send to Mr. Kennaway on the 17th instant, Resolved—That this meeting be adjourned to this day week at twelve o'clock, and that the town clerk do inform Mr. Kennaway that unless a satisfactory answer is received from him before that time it is the intention of the Mayor and Aldermen to put themselves in communication with the Commissioners of Charities, on the general state of this Charity.”

This was communicated to Mr. Kennaway by the following letter:—

“ DEAR SIR,—The Wynard’s Charity,—On the other half-sheet I beg to send you a copy of the resolution of the Mayor and Aldermen agreed to at their meeting, held this day.

“ I remain, yours very truly,

“ JOHN GIDLEY.

“ Exeter, 31 January, 1863.

“ Mark Kennaway, Esq.”

The Mayor and Aldermen met again on the 7th February, 1863, when the town clerk reported that he transmitted to Mr. Kennaway a copy of the resolution of the 31st January, 1863, on the same day, and that he had not received any reply to it.

“ Resolved—That the town clerk do prepare a succinct statement relative to the Charity, to be laid before this body, with a view to its being transmitted to the Commissioners of Charities.”

On the 13th February, 1863, the following letter was sent by Mr. Kennaway to the Mayor:—

“ Exeter,

“ 13th February, 1863.

“ SIR—In consequence of the threatening resolution you lately directed the town clerk to forward me, I have for the first time looked into the legal

“ title of yourself and the Aldermen to represent
 “ yourselves as visitors of the Wynard’s Hospital.

“ I find that by the Act 6 and 7 * William IV., cap.
 “ 76, sec. 71,

“ ‘ That where any member of a body corpo-
 “ ‘ rate, in his corporate capacity, stood pos-
 “ ‘ sessed of any interest whatever in any real
 “ ‘ or personal estate whatsoever, all the estate,
 “ ‘ interest, title, and powers therein of such
 “ ‘ members should continue until the 1st
 “ ‘ August, 1836, and immediately thenceforth
 “ ‘ should *utterly cease and determine*.’

“ Upon ascertaining this state of the law, I feel
 “ called upon to express to you my sense of the in-
 “ jury I have sustained by the six several appoint-
 “ ments to the Wynard’s almshouses assumed by
 “ the Mayor and Aldermen between the years 184
 “ and 18 , after the law had so absolutely ter-
 “ minated in them the office and all the ‘ powers ’ of
 “ visitors. The Charity was not prejudiced by this
 “ change of the law, because the ordination deed
 “ provides expressly, that where the visitors should
 “ not or could not present, the right and power should
 “ vest absolutely in the patron.

“ You cannot fail to see, that from an illegal
 “ assumption of those who have preceded you in
 “ office, I have had six appointments wrested from

* Mistake for 5 and 6 William IV.

“me; and now knowing the state of the law (if I
 “rightly estimate your regard for justice) you will
 “feel satisfied, that from the course I have recently
 “adopted, you have not added to the wrong I have
 “sustained.

“I have the honor to be, Sir,

“Your very obedient Servant,

“MARK KENNAWAY.

“To the Right Worshipful the Mayor.”

To which the Mayor sent the following reply : —

“Great Duryard, Exeter, 16th Feb., 1863.

“Wynyard’s Charity.

“SIR,—I have received your letter of the 13th
 “instant, and do not feel inclined to take upon my-
 “self personally the responsibility of answering on
 “a point of law. Whether or not the clause recited
 “in any way affects the rights of the Mayor and
 “Aldermen to nominate as heretofore is a question
 “I cannot decide, but presume at all events it
 “does not abrogate their duties as visitors It will
 “be my duty therefore speedily to summon the
 “aldermen, and lay your letter before them: no
 “doubt they will take such steps as in their view
 “will meet the justice of the case.

“Your obedient Servant,

“WILLIAM BARNES, Mayor.

“M. Kennaway, Esq.”

The object of the clause to which Mr. Kennaway refers, 5 and 6 Wm. IV., c.76, s.71, as expressed in the clause itself, was to keep the administration of charitable trusts distinct from the public stock and borough fund, and it enacts that in every borough in which the body corporate, or any one or more of the members of such body corporate, in his or their corporate capacity, then stood solely or together with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate, seized or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part in trust, or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest, and title, and all the powers of such body corporate in respect of the said uses and trusts should continue in the persons who, at the time of the passing of the Act, were such trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which, before the passing of the Act, they were such trustees, until the first day of August, 1836, or until Parliament should otherwise order, and should immediately thereupon utterly cease and determine. It is then enacted that the Lord Chancellor or Lords Commissioners of the Great Seal shall make such orders as he or they shall see fit for

the administration, subject to such charitable uses or trusts of such trust estates.

The Mayor and Aldermen have no property whatever vested in them for the benefit of the Wynard's Charity, and are in no sense trustees, but visitors, with certain powers of nominating for appointment certain poor people as inmates, and consequently the clause does not apply to them, and this view of the clause appears to be confirmed by the case of the Oxford Charities, 3, *Mylne & Craig*, 239.

The Mayor and Aldermen again met on the 1st April, 1863, when the following proceedings took place :—

“ The Town Clerk presented the statement relative
“ to the Wynard's Charity, comprising the proceed-
“ ings to the present time.

“ Resolved—That the statement be approved ; that
“ the latter part, commencing at p. 32 *, be sent to
“ Mr. Kennaway as an answer to his letter to the
“ Mayor, and that a fair copy of the whole state-
“ ment be forwarded to the Commissioners of
“ Charities.

“ That as the Mayor and Aldermen see no
“ chance of any arrangement being made with
“ Mr. Kennaway, they have prepared a statement
“ which they have transmitted to the Charity
“ Commissioners.”

* See page 67 to the end.

A copy of the whole statement was sent to the Charity Commissioners, with the following letter :—

“ GENTLEMEN—By direction of the Mayor and
 “ Aldermen of Exeter I beg to send you by book
 “ post a statement relating to the Wynard’s Charity,
 “ in Exeter.

“ I am, Gentlemen,

“ Your very obedient Servant,

“ JOHN GIDLEY.

“ Exeter, 3rd July, 1863.

“ The Charity Commissioners,

“ 8, York Street, St. James’s Square.”

A copy of so much of the above statement as was directed to be sent to Mr. Kennaway was also sent to him the same day, with the following letter :—

“ Exeter, 3rd July, 1863.

DEAR SIR,—I am directed by the Mayor and
 “ Aldermen of Exeter to inform you that they have
 “ transmitted a statement to the Commissioners of
 “ Charities, respecting the Wynard’s Charity in
 “ Exeter, and I beg to send you, enclosed, the con-
 “ cluding portion of such statement, as their reply to
 “ your letter to the Mayor, of the 13th February
 “ last.

“ I remain,

“ Yours faithfully,

“ JOHN GIDLEY,

“ Mark Kennaway, Esq.”

“ Town Clerk.

The Mayor and Aldermen met again on the 18th July, 1863, when the following proceedings took place:—

“The town clerk reported that on the 3rd instant he transmitted the statement relative to the Wynard’s Charity to the Charity Commissioners, which was duly acknowledged, and that he had since received the following communication:—

“ ‘ Charity Commission,

“ ‘ 8, York Street, St. James’s Square, S.W.,

“ ‘ 16th July, 1863.

“ ‘ Exeter Wynard’s Hospital.

“ ‘ SIR,—The statement submitted by you to the Commissioners by the direction of the Mayor and Aldermen of Exeter on the 3rd instant, has been brought under the consideration of the Board.

“ ‘ If the Corporation and Mr. Kennaway should be willing to submit the questions in difference between them to the decision of this Board, the Commissioners are ready to consider the matter, with the object of giving their official opinion thereon, under the 16th sec. of the Charitable Trusts Act, 1853.

“ ‘ Without such an accord between the parties, however, the Commissioners cannot anticipate any useful or practical result from their interference in the matters in dispute, which could not be adversely

“ ‘determined except by a decision of the Court of
 “ ‘Chancery, to be preceded in all probability by a
 “ ‘protracted and expensive course of litigation.

“ ‘ I am accordingly to suggest, that it should be
 “ ‘ ascertained whether or not Mr. Kennaway is will-
 “ ‘ ing to concur with the Corporation in applying for
 “ ‘ the official opinion of the Board for the settle-
 “ ‘ ment of the points in dispute.

“ ‘ I am, Sir,

“ ‘ Your obedient Servant,

“ ‘ HENRY M. VANE,

“ ‘ Secretary.’

“ ‘ John Gidley, Esqr., Exeter.’ ”

“ Resolved—That a copy of the letter from the
 “ Commissioners be sent to Mr. Kennaway, and that
 “ he be requested to state whether he is willing to
 “ concur in applying for the official opinion of the
 “ Board for the settlement of the points in dispute,
 “ and to send his answer before the first day of
 “ August.”

The above proceedings were communicated to
 Mr. Kennaway by the following letter :—

“ DEAR SIR,—Wynard’s Charity,—I am directed
 “ by the Mayor and Aldermen of Exeter to send
 “ you the enclosed copy of a letter they have
 “ received from the Commissioners of Charities, and
 “ to request you will have the goodness to inform
 “ me whether you are willing to concur with them

“ in applying for the official opinion of the Board
 “ for the settlement of the points in dispute. I
 “ shall be obliged by your answer before the first
 “ of August next.

“ I remain yours faithfully,

“ JOHN GIDLEY,

“ Town Clerk.

“ Exeter, 18th July, 1863.

“ Mark Kennaway, Esqr.”

The following letter was received from Mr. Kennaway in reply, dated 31st July, 1863.

“ Hoopern, 31st July, 1863.

“ DEAR SIR,—I attended the Charity Commissioners, yesterday, in London, and presented your letter to me of the 18th inst., desiring to be informed what were the points the Commission suggested might, upon my consent, be referred. Upon this, reference was had to a lengthy statement forwarded by you to the Commission, and from it as many extracts were read as the time of the interview allowed.

“ I stated I had received from you a part of the concluding portion of the paper, but that I considered a copy of the entire statement should be delivered for my perusal, as necessary information, to enable me to determine on a proposal to refer all questions which such statement raised ; to this I received the assent of the Commission, and have therefore only to add, that should I receive a copy

“ of the entire statement, I shall be in a position to
 “ give a further reply to your letter.

“ I remain yours faithfully,

“ MARK KENNAWAY.

“ John Gidley, Esq.”

On the 6th August, 1863, a copy of the statement was sent to Mr. Kennaway with the following letter :—

“ DEAR SIR,—Wynard’s,—You will receive with
 “ this a copy of the statement sent by the Mayor
 “ and Aldermen to the Commissioners of Charities,
 “ which I am directed to send to you according to
 “ your request.

“ I remain yours faithfully,

“ JOHN GIDLEY.

“ Exeter, 6th August, 1863.

“ Mark Kennaway, Esq.”

On the 28th September, 1863, the town clerk wrote again to Mr. Kennaway, as follows :—

“ DEAR SIR,—Wynard’s,—I am desired to request
 “ to be favored with your answer prior to a meeting
 “ of the Mayor and Aldermen.

“ I remain yours faithfully,

“ JOHN GIDLEY.

“ Exeter, 28 Sept., 1863.

“ M. Kennaway, Esq.”

To which Mr. Kennaway sent the following reply :—

“ Hoopern, 2 Octr., 1863.

“ DEAR SIR,—Wynard’s,—This statement is before
“ counsel. In consequence of your note of the 28th
“ Sep., I have enquired for it, and find I am not
“ likely to receive it until Michaelmas Term.

“ The question of title to my private estate made
“ the opinion of counsel a necessity, as the Com-
“ missioners informed me they had neither the will
“ or the power to entertain it. They stated they
“ had the power to legalize such an arrangement as
“ that proposed in my letter of the 25th June, 1862,
“ if I was still disposed to carry it out, which I
“ informed them was the case.

“ I am

“ Yours faithfully,

“ MARK KENNAWAY.

“ John Gidley, Esq.”

On the 10th October, 1863, the Town Clerk sent notice to Mr. Kennaway that the Mayor and Aldermen intended to visit the Wynard’s on the 17th instant.

To which communication Mr. Kennaway sent the following answer to the mayor, dated 16th October, 1863.

“ Becky Fall Cottage, Manaton,

“ 16th October, 1863.

“ SIR,—I received here on Wednesday Mr. Gidley’s

“notice of your intention to visit the Wynard’s
“Hospital to-morrow.

“As my present stay here will prevent my meeting
“you, I wish to mention that you will find since your
“last visit, I have pulled down some houses which
“formed the south side of the hospital court, which
“from their great height, and the large number of
“occupiers were prejudicial to the health and com-
“fort of the inmates of the Charity.

“You will also find some progress made in part
“execution of a new building, designed in character
“with the existing hospital, and intended for an in-
“creased number of residents, as well as to carry
“out any view respecting a resident chaplain, and
“daily service, as stated in my former correspond-
“ence on that subject.

“You will no doubt observe I have also lowered
“the level of the court, the ground of which was
“higher than the floors of several of the houses.
“These works executed, and contracted for, exceed
“in cost £1,000 exclusive of the restoration of the
“chapel, which was of still larger amount, and to
“complete this long contemplated work, I hope at
“no distant day to make some augmentation of the
“pecuniary existing endowment.

“I have directed the collation to-morrow to be
“provided for the use of the alms people, and to be
“so continued at all annual visitations, so long as

“the visitors shall ‘prefer’ that none be provided for
“their use.

“I remain, Sir, Your faithful Servant,

“**MARK KENNAWAY.**

“The Right Worshipful the Mayor.”

The Mayor and Aldermen again met on the 17th October, 1863, when the following proceedings took place:—

“The Mayor and Aldermen visited the Wynard’s
“according to their intention, communicated by the
“town clerk to Mr. M. Kennaway, of the 10th
“instant.

“Read letters from Mr. Kennaway of the 2nd October, and 16th October, 1863.

“The Mayor and Aldermen consider the occupa-
“of the houses still unsatisfactory, not being ac-
“cording to the decree.

“The Mayor and Aldermen find that some re-
“pairs have been done to the almshouses since their
“last visit, but that the roofs of some of the build-
“ings are still in a dilapidated state.

“Ordered that the town clerk do procure from the
“proper record office a copy of the grant (if any) of
“any portion of the Wynard’s Charity in the time of
“Edward VI.”*

On the 22nd November, 1864, the Mayor and Aldermen met and nominated James Potter and John Dean to Mr. Kennaway, for him to appoint one

* Search has been made, but none found.

in the room of William Thomas, deceased, which was communicated to Mr. Kennaway, by the following letter:—

“DEAR SIR,—The Mayor and Aldermen of the City of Exeter have directed me to inform you that they recommend James Potter of the Close, moulder, and John Dean, of Bampfylde Street, joiner, from whom you will please to appoint one to the house in the Wynard’s Charity, vacant by the death of William Thomas.

“I remain

“Yours very truly,

“JOHN GIDLEY.

“Exeter, 22nd November, 1864.

“Mark Kennaway, Esqr.”

At the same meeting, the Mayor and Aldermen resolved that a special meeting be called for this day week, at 12.30 o’clock, for the purpose of considering the propriety of laying the statement relative to the Wynard’s Charity before the Attorney-General for his opinion.

The Mayor and Aldermen having adjourned for a week, the town clerk on the 26th wrote to Mr. Kennaway the following letter:—

“DEAR SIR,—The Mayor and Aldermen will meet at the Guildhall, on Tuesday next, the 29th inst., at 12.30, relative to the Wynard’s Charity, previously to which time I shall be obliged by an answer to my letter to you of the 22nd instant,

“stating which of the persons therein nominated
 “you will be pleased to appoint to the house in the
 “Wynard’s Charity, vacant by the death of William
 “Thomas.

“I remain yours very truly,

“JOHN GIDLEY.

“Exeter, 26th November, 1864.

“Mark Kennaway, Esq.”

On the 29th November, 1864, the mayor and aldermen again met, when the following proceedings took place :—

“The Town Clerk reported the letters written by
 “him to Mr. Kennaway, on the 22nd and 26th inst.,
 “and that he had not received any reply.

“Read letter from Mr. Alderman Cornish, who
 “was unable to attend.

“Resolved—That the Town Clerk do prepare a re-
 “port from this committee to the Town Council, con-
 “taining a short statement relative to the Wynard’s
 “Charity, the steps they have taken, the position
 “taken by Mr. Kennaway, and the recommendation
 “of the Mayor and Aldermen, that the opinion of
 “the Attorney-General be taken upon a full state-
 “ment to be prepared and laid before him.”

On Saturday afternoon, the 17th December, 1864, Mrs. Potter called at the Town Clerk’s office, and stated that Mr. Kennaway called on her husband on Saturday, the 10th December, 1864, and said he was to have the vacant house at the Wynard’s, that her

husband had had the key, and was going into the house next week.

At the meeting of the Council on the 19th December, 1864, the Report prepared in accordance with the resolution of the Mayor and Aldermen of the 29th of November, 1864, was read by the Town Clerk, but the consideration of the question was postponed to the next meeting of the Town Council: at the same time the following letter from James Potter was handed in and read:—

“ Exeter, December 19, 1864.

“ Mr. Gidley,

“ SIR,—I am sorry to intrude on your time, but
 “ I think you will excuse me when I state that my
 “ name is James Potter, the blind man, whome the
 “ Right Worshipfull the Mayor and Aldermen of
 “ the City of Exeter ellicted to the almshouse in
 “ the Winhoods, since then I have been suffering
 “ from a bad cold disabling me from going to return
 “ them thanks for their kindness. I also beg to
 “ state that Mr. Mark Kennaway appointed me to
 “ the same house I believe on the first or second of
 “ this month, and on the tenth he condecended to
 “ call on me and told me he had appointed me to
 “ the same, for which I returned him my humble
 “ thanks. Their whas much repairs wanted, the
 “ workmen has since fininished, and Mr. Mark Ken-
 “ naway has kindly sent me the key, and I hope
 “ Sir in a short time to be by the blessing of God

“ enabled to return thanks to the mayor and aldermen for the great boonn they have confered on me. I beg Sir to subscribe myself

“ Your very humble and obedient Seryant,

“ JAMES POTTER.”

The Town Council met again on the 11th January, 1865, when on the subject of the Wynard's Charity being again brought forward, it was unanimously

RESOLVED—“ That the discussion of this subject be deferred to the next meeting of the Town Council, and that in the meantime the whole statement, correspondence, and particulars connected therewith, be printed and distributed to every member of this Body.”

The position taken by Mr. Kennaway has induced the Mayor and Aldermen to examine the original Ordinance and Charter, and they find that the founder provided for the entire maintenance of a priest to perform divine service daily in the chapel, and for the entire maintenance of twelve poor people, and that the priest at his leisure time should employ himself in teaching not less than three nor more than nine children to read.

The rules laid down by the founder for the perpetual observance of his Ordinance are very strict, insomuch that any tenant of the lands (including himself, who took a life estate in them) neglecting to observe his Ordinance in all things, was to forfeit

his interest in the property, which was then limited over to fourteen persons in succession, with an ultimate limitation to King Henry the Sixth, and his heirs, Kings of England, to perform the said works of piety by his escheator according to his and their good pleasure and royal will, a yearly account being rendered to the king's exchequer.

The founder's Ordinance further provided that one moiety of the rents of the property should be applied for the purposes of the Charity; but that the other moiety should be put in a box, provided by the founder, and safely kept for the use of the said House of Godeshouse, for avoiding suits and preserving the rights of the said lands and tenements, one key whereof should remain with the mayor of the said city, another key with the dean of the said (cathedral) church for the time being, and the third key with the founder while he lived, and after his decease with the tenant of the said lands and tenements for the time being, to the praise of God for ever.

When the questions between the mayor and aldermen and Mr. Kennaway first arose, the mayor and aldermen were willing to agree (so far as they could legally agree) to any reasonable terms of accommodation, so that the rights of the poor people of Exeter (of whom they considered themselves to be the constituted protectors) to participate in the benefits of the Charity could be secured.

But further investigation having shown that the

original Ordinance of the founder and the Decree of the Court of Chancery are equally disregarded, the mayor and aldermen considered they were bound to lay the whole matter before the Commissioners of Charities.

The mayor and aldermen find that Mr. Kennaway treats the property charged with the maintenance of the Wynard's Charity as his own, and disposes of it at his pleasure. That he lately sold to the London and South Western Railway Company part of a valuable property in St. David's parish in Exeter, formerly in the possession of James Townsend, and belonging to the Wynard's Charity, for the purposes of the Exeter Extension, and received the purchase money.

They also find that Mr. Kennaway has appointed and persists in appointing females to the Charity, although the Decree directs that men only shall be appointed.

They also find that Mr. Kennaway has not appointed poor persons from Somerset or Devon as directed by the Decree, but that he has in several instances appointed his own servants, and that at present his gardener, William Hitt, and another person, John Routley, who is or was his servant, have been appointed to the said Charity, and are living there.

The mayor and aldermen also beg to state that at their visitation on the 6th December, 1862, a list of the inmates was presented by Mr. Kennaway, as follows:—John Layman, William Hitt, William Mellish, Henry Narraway, Samuel Trott, Thomas

Stevens, William Pitts, John Gale, William Thomas, Thomas Williams, William Champ, and John Routley, whereas two of the houses were at that time occupied by females.

The mayor and aldermen consider that as both by the original Ordinance and the Decree, divine service is to be performed in the said chapel, divine service should be daily performed there.

They also consider that the ultimate limitation to the Crown cannot be disregarded, and as it does not appear that the Crown was represented in the proceedings taken in the Court of Chancery, that the Crown is not bound by those proceedings.

The result probably may be that the future management of the Wynard's Charity may be held to be now in the Crown, to be administered under the authority of the sign manual.

The steps to be taken to investigate and correct the abuses which at present exist in the management of the Wynard's Charity, and to ascertain and secure the property charged with the maintenance of the said Charity, were the points submitted to the Commissioners of Charities.

JOHN GIDLEY,

TOWN CLERK.

Exeter, 20th January, 1865.

Since the last meeting of the Council the Mayor has received the following letter from Mr. Mark Kennaway, which he thinks should be printed and circulated with the documents already ordered to be printed :—

“ Hoopern House,

“ 26th January, 1865.

“ DEAR SIR,—Wynard’s Hospital—It appears to
 “ me necessary that I should state to you, for the in-
 “ formation of yourself and the aldermen of Exeter,
 “ visitors of the Wynard’s Hospital, that the
 “ Wynard’s estate was sold under the authority of
 “ an Act of Parliament, passed in the 27th year of
 “ the reign of George the Second, of which I enclose
 “ you a short recital extracted from my title deeds.

“ I have further to inform you that there is now
 “ a vacancy in one of the almshouses, by the death
 “ of William Mellish, and that I am ready to appoint
 “ one of two persons to be nominated to me by the
 “ visitors to such vacancy, and that thereby and by
 “ the appointment lately duly made by me of John
 “ Potter, the visitors exercise, and I admit their full
 “ right of nomination, and the objection heretofore
 “ made by me thereto on the 71st Section of the
 “ Municipal Corporations Act is, as I intend it
 “ should be, abandoned.

“ I remain,

“ Dear Sir,

“ Yours very faithfully,

“ MARK KENNAWAY.

“ To the Right Worshipful the Mayor.”

Extract which accompanied and is referred to in the foregoing letter.

And whereas by virtue of an Act of Parliament made and passed in the twenty-seventh year of the reign of his late Majesty, entitled an Act to empower Ann Speke, an infant, to make leases and copyhold grants of her estates, in the County of Somerset, during her minority, according to the usage and custom of the country, pursuant to the will of George Speke, Esquire, her late father deceased, and for other purposes therein mentioned: All those the said Manors, or Lordships, of Ashill, Ardworth, and Chillington; and all the lands, tenements and hereditaments, late of the said testator George Speke, situate, lying, and being in the several parishes, towns, precincts, or territories of Ashill, Ardworth, Chillington, Broadway, Beer and South Petherton, in the County of Somerset; and the said messuages, lands, tenements, rents and hereditaments, which were Winnard's, within the County of Somerset; and the said messuages, lands, tenements, rents and hereditaments, which were Winnard's, within the County of Devon, with their and every of their rights, members and appurtenances, were settled upon and vested in the said Sir Hutchings Williams and John House, their heirs and assigns, to the use of them, their heirs and assigns, upon trust as soon as conveniently might be by sale, mortgage and leasing for lives, or years absolute, or determining on lives of all, or any part of the premises thereby vested in

them, or by all or either of these means to raise the sum of ten thousand pounds, or such part thereof as should be necessary, and pay the same to the said Mary Speke, her executors, administrators, or assigns, pursuant to the will of the said George Speke, and in the meantime, and subject thereto, should stand seized of the said premises, or such part thereof as should not be absolutely sold and disposed of for the purposes aforesaid, and the equity of redemption of such part thereof as should be mortgaged as aforesaid upon trust for the said Ann Speke, now Ann Lady North, as part of her personal estate, and to be considered as such to all intents, constructions, and purposes whatsoever.

APPENDIX.

ORDINACIO WILLI. WYNARD de qua in Carta cui illa est annexa fit mencio sequitur in hec verba.

In nomine Summe et Individue Trinitatis Patris et Filii et Spiritus Sancti Amen. Ego Willims. Wynard vicesimo die Januarii Anno regni Regis Henrici Sexti post Conquestum Angliæ quarto decimo ad divini cultus augmentum ac in subsidium relevaminis inopie pauperium debilium qui sibi ipsis nequiunt subvenire volo decerno statuo et ordino per presentesq. in domo extra australem portam civitatis Exon. ad custus meos noviter erecta fundata et situatâ vocata Godeshous sit unus capellanus perpetuus bone et honeste conversacionis moribus ac sciencia ydoneus quem vulgariter vocari volo William Wynardis prest apud dictam domum corporalem residenciam in loco sibi assignato factururus et continue ibidem salvis infra dicendis moraturus in quadam capella ibidem dicte domus parcella quam vulgariter eciam vocari volo "Trinite Chapelle" quam quidem domum ac cappellam et omnes mansiones ejusdem domus cum gardin. ibim. in coopertura et

clausura dictus capellanus et successores sui ejusdem domus capellani sumptibus meis dum vixero et post obitum meum ad custus ipsius et eorum qui terras et tenementa in carta huic annexa specificata habuerit aut habuerint reparabunt maintenebunt et bene ac competenter de tempore in tempus in perpetuum sustentabunt. Et quod idem capellanus et singli successores sui a curis ministracionibus officiis secularibus et negociacionibus publicis alienis stipendii vel salariis ceterisque causis omnibus et negociis tabernisque et locis quibuscun que unde delinquendi occasio vagandi seu absencie dari sequi et oriri poterit penitus abstineant et specialiter quod non sint ancipēs venatores fornicatores adulteri nec loca suspecta aliqua exercentes ut a talibus prorsus segregati divinis serviciis et officiis sine impedimento melius intendant. Item volo et ordino quod dictus capellanus qui per tempore fuerit quolibet die dum ipse superstes sit et bene dispositus inter horam septimam et horam octavam ante meridiem matutinas die de dicere incipiet in capella predicta et ibidem eas absque interrupcione cum omnibus horis canonicis secundum usum Sarum perficiet distincte et devote in quo quidem introitu dicte capelle ante incepcionem matutinarum dicet in Anglicis voce quam astantes poterunt audire: "Ffor the good spede
 " prosperite and welfare of our liege lorde the kyng
 " and of his trewe counsell and for al the sowlis of his
 " noble progenitours and for the good spede welfare
 " and prosperite of William Wynard foundour of

“ this place and for all his ffeffees of this place that
 “ buth other shall be at eny tyme hereafter, and for
 “ William Wynardis fader sowls and his moder and
 “ for al his auncestres saules and for all the sawles of
 “ hem that William Wynard is hold to do fore and
 “ for all cristyn sawles seyth every man a pater
 “ noster and ave.”

Et sic subsequenter absque intervallo incipiet dicere psalmum de *De profundis* etc. et hujusmodi psalmo cum oracione dominica et salutacione Angelica cum aliis oracionibus consuetis et hujus psalmo annexis per ipsum totaliter dict. incipiet matutinas de die vel de Sanctâ Trinitate vel de Beata Maria Virgine vel de aliis sanctis ut inferius dicetur magis plene et simili modo idem capellanus ante incepcionem inisse et vespervas quolibet die in introitu capelle dicet dicta verba in Anglicis cum psalmo de *De profundis*, prout superius continetur ac in fine matutinarum inisse et vesperarum ante recessum suum a capella predicta psalmum de *De profundis* dicere non omittet. Item ordino per presentes quod dictus capellanus qui pro tempore fuerit postquam matutinas et omnes alias horas canonicas in dca. capella dixerit absque intervallo ad missam ibm. dicendam se preperabit qui per se vel per alium tam ad matutinas quam ad missam ac ad vespervas in dicta capella circiter horam secundam post meridiem dicendas pulsabit et quod idem capellanus qualibet die lune nisi festum magis duplex in illo die evenerit missam de Sanctis Dei

Angelis ac singulis secundis quartis et sextis feriis per totum annum servicium mortuorum videlicet *Placebo* et *Dirige* ac comendacionem pro remedio et salute progenitorum dicti domini Regis parentum et benefactorum dei. Willi. Wynard ac eciam aie. dicti nunc domini Regis cum ab hac luce migraverit ac eciam anime ipsius Willi. cum ipse ab hac luce migraverit necnon animarum omnium fidelium defunctorum specialiter animarum in penis purgatorii existencium paucissimos amicos habencium nisi in aliqua feriarum predictarum festum magis duplex contigerit tunc in ipso festo hujusmodi servicium mortuorum a dicendo et comendacionem ob festi reverenciam nisi hoc gratis facere voluerit excusetur quo quidem servicio et comendacione ob festi reverenciam ut prefertur cessante tunc in crastino festi predicti servicium mortuorum et comendacionem hujusmodi una cum septem psalmis de Sancta Trinitate qui incipiunt *Laudate pueri Dominum* et terminantur *Omnis spiritus laudet Dominum* dicere teneantur. Insuper statuo et ordino quod quilibet capellanus predictus qui pro tempore fuit. de aliquo crimine notabili absque fraude et malo ingenio de rei veritate secundum legis exigenciam legitimis probacionibus precedentibus fuerit convictus et iterum in idem crimen occiderit, seu aliquod aliud crimen notabile commiserit pro quo ipse infamis efficeretur seu honestas presbiteralis graviter ledatur secundo crimine ut prefertur probate idem capellanus

ipso facto de dictis serviciis et officiis sit privatus. Et quod alter capellanus ydoneus in loco suo per illum qui in et de dictis terris et tenementis virtute dicte Carte huic ordinacioni annexe fuerit ad tunc seisitus ad dicta officia et servicia divina ut prefertur facienda, eligatur et absque affectione carnali prout inferius dicetur debite admittatur. Eciam ordino quod quilibet capellanus qui ad dicta officia et servicia divina ut prefertur facienda sit electus antequam ad hoc admittatur suum corporale prestabit juramentum quod ipse pro parte sua omnes articulos in ordinacione mea ipsum capellanium tangentes in omnibus observabit et inconcussé faciet observari ac libros vestimenta et omnia alia dicte capelle ornamenta salvo securé et honesté pro tempore suo custodiet eaque per indenturam inter in et de dictis terris et tenementis virtute dicte Carte ad tunc seisitum et ipsum capellanium conficiendam recipiet et sic idem capellanus ante recessum suum ab officio suo predicto in et de dictis terris et tenementis ad tunc virtute dicte Carte seisito omnia bona predicta absque perjuracione et diminucione in quantum fieri potest vetustate et eorum usu exceptis fideliter redeliverabit. Ac pacem inter dictos pauperes conservabit et pro posse suo discordiam inter eos sique fuerit absque aliqua parcialitate debité reformabit aut aliter in et de dictis terris et tenementis ad tunc ut prefertur seisitum pro pace inde reformanda de toto facto et omnibus circumstanciis idem factum tangentibus in-

tegré informabit. Decerno eciam et ordino per presentes quod quilibet capellanus dicte capelle qui pro tempore fuerit si ad aliquod aliud beneficium sit promotus vel aliter a dicto officio et servicio recedere voluerit in et de dictis terris et tenementis ad tunc virtute dicte Carte huic ordinacioni annexe seisito per sex menses anni ad minus ante suum recessum inde premunionem faciet. Ita quod idem ad tunc in et de dictis terris et tenementis ut prefertur seisitus pro alio capellano ydoneo ad dicta divina servicia et officia facienda ut prefertur premunitus poterit ordinari. Et quod idem capellanus una vel bina vice in anno ex causa rationabili videlicet ad visitandum parentes consanguineos vel amicos suos vel ex causa salubris peregrinacionis et necessarié recreacionis se in toto per tres septimanas et tres dies ad maximum a dicta domo abcentare sit licenciatus et quod idem capellanus per sex dies ante recessum suum de omnibus per ipsum receptis et de omnibus que per ipsum recipi debuissent in et de dictis terris et tenementis ad tunc ut prefertur seisito super sacramentum suum in eo casu prestitum reddet compositum fidelem. Ac quod idem capellanus pro tempore absencie sue predictæ quatenus comode fieri possit dicat omnia servicia sua predicta in loco et locis quo et quibus hujusmodi capellanum contigerit adesse. Insuper decernens statuo quod quilibet capellanus qui ad premissa divina servicia et officia ut prefertur sit admittendus quod idem capellanus die quo ipse ad premissa facienda sit admissus vel in crastino

ejusdem diei per indenturam inter ipsum capellanum et in et de dictis terris et tenementis ut prefertur seisitum conficiendam recipiet libros calicem et alia bona ad dictam capellam et domum spectantia cum clausula in eadem indentura contenta videlicet quod idem capellanus quandocunque requisitus fuerit per in et de dictis terris et tenementis ut prefertur seisitum omnia predicta bona sibi monstrabit et ea ut supra et inferius dicetur redeliberabit absque hoc quod idem capellanus dicta bona seu aliquam parcelam inde alienabit elongabit impignoratur aut ullo modo onerabit seu pejorabit vetustate et rationabili usu inde habitis solo modo exceptis. Ac pro eo quod alibi scribitur qui non laborat non manducet et é contra qui altari deservit altari vivere debet hinc est quod ego Wills. Wynard antedictus volo et statuo in hiis scriptis quod dictus capellanus qui sic ut prefertur divina servicia et officia in dicta capella sic facturus et celebraturus de redditibus exitibus et proficuis de dictis terris et tenementis in dicta Carta huic ordinacioni annexa per manus de et in eisdem terris et tenementis seisiti octo marcas legalis monete Anglie ad quatuor anni terminos principales annuatim percipiet equis portionibus. Inde insuper panem unum et luminare sufficiencia ad dicta servicia et officia divina facienda prout oportunum fuit. ad custus ipsius capellani qui pro tempore fuit. invenienda. Pro eo eciam quod multam maliciam docuit ociositas et veresimile est quod mala quampluries docebit infinita ac pro eo

quod virtutes virtutibus augmentur volo statuo et ordino per presentes quod dictus capellanus qui pro tempore fuit. tres pueros ad minus quatuor quinque sex septem octo et nonem ad maximum ad custus et expensas parentum et amicorum suorum in omnibus sustentandos a principio alphabeti quousque magnum psalterium Sancti David legere dinoscantur in capella predicta in dies inter dicta divina servicia prout decet et tempus exigerit ac prout ei rationabiliter vacare poterit faciet erudire. Insuper volo et ordino quod quilibet capellanus predictus qui pro tempore fuerit dicet inter cetera istam colectionem videlicet “Domine Jesu Christe Fili Dei vivi
 “sicut tu vis et sicut tu scis miserere Willi. creature
 “tue istius loci fundatoris et da ei spem firmam fidem
 “rectam et caritatem perfectam ac concede sibi finem
 “bonum quod est super omne donum. Amen.” Et quod ista oracio que sequitur pro salute anime mee per dictum capellanum dicenda post primam oracionem semper dicatur ita quod hujusmodi oraciones finiantur sub uno “per Dominum” cum secreto et post-communionem prout subsequenter patebunt: “Omni-
 “potens Sempiternus Deus Conservator animarum salvandorum qui quos diligis corripis et quos corripis
 “pie ad emendacionem coherces, te invocamus Domine
 “ut medelam conferre digneris anime famulitui Willi.
 “ut in hora exitus illius a corpore absque peccati
 “macula per manus sanctorum Angelorum tuorum
 “ante conspectum glorie tue representari mereatur per
 “Dominum nostrum, &c.” “Adesto Domine quesumus

“ pro tua pietate supplicationibus nostris et suscipe
 “ hostiam quam tibi offerimus pro famulo tuo Willo.
 “ salutem non corporis sed anime sue petente prista
 “ quesumus ei indulgenciam omnium iniquitatum
 “ suarum ut per hoc quod tibi offerimus sacraficium a
 “ sanctis angelis tuis anima ejus suscepta ad tue glorie
 “ regnum pervenire mereatur per Dominum nostrum,
 “ etc.” “Gratias tibi agimus Domine recte salutaribus
 “ sacramentis quibus animas in te sperantium sociare
 “ consuevisti et confisi de pietate tua supplici devo-
 “ cione precamur ut miserere digneris anime famuli
 “ tui Willo. ne prevaleat adversus eam inimicus in
 “ hora exitus illius de corpore sed transitum habere.
 “ mereatur ad vitam per Dominum nostrum ect.”

Item statuo et ordino quod dicti duodecim pauperes
 per eum qui in et de dictis terris et tenementis
 virtute dicte Carte fuerit seisis erunt liberi ele-
 gendi et ad et in dictam domum admittendi et sic
 admissi nunquam sine causa rationabili inde amo-
 vendi et quod iidem duodecim pauperes sint infra
 dictam domum in locis sibi assignatis continué
 residentes videlicet quod quilibet ipsorum sic per
 se asiamentum habens et habiturus infra et extra
 magnam portam in curtilagia et gardino dicte
 domus pro eorum recreacione continué commora-
 turus et quod nullus eorum sit per dictam civitatem
 nisi ad ecclesiam cathedrallem Sancti Petri et ad
 ecclesiam Fratrum Minorum ac crucem de South-
 ینگهYES nisi ex causa rationabili sit vagans seu
 transiens ullo modo. Et quod omnes dicti pauperes

ad eorum posse sint in dicta capella omnia dicta divina servicia audientes ac quolibet die ante horam undecimam in dicta capella semel et post prandium bis unum psalterium ad minus de Beatissima Virgine Dei Genitrice Maria separatim ibidem dicent humiliter et devoté. Et quod quilibet eorum litteratus ultra dicta tria psalteria dicet in eadem capella cotidie matutinas horas vesperas et completorium de dicta Genetrice Virgine Maria. Et si aliquis eorum sit in tantum litteratus quod scit legere psalterium quod incipit "Beatus vir" quod ille pauper sic litteratus quolibet die ad minus unum nocturnum dicti psalterii dicet ibidem distincté et devoté. Ita quod in una septimana unum psalterium integrum sic dicendo poterit consummare. Et quod quilibet pauperum qui potens fuit. ad laborandum quolibet die ad ecclesiam Fratrum Minorum extra portam australem dicti civitatis Exon. accedere missamque ibidem vocatam Wynardis masse ad altare inibi ordinatum circiter decimam horam ante meridiem dicendam audire teneatur qua missa finita ad domum de Godeshous predictam absque specie mali inter loca predicta in egressu vel regressu quomodo libet facienda rediet ille pauper. Volo eciam et ordino per presentes quod nullus pauperum predictorum infra dictam civitatem vel extra mendicabit sed si aliquis pietate motus aliquam elimosinam in denariis aut in rebus aliis eorum alicui dederit quod quilibet denarius et cujuslibet rei valor sic eorum alicui datam in comune proficium dictorum

pauperum integré convertantur in communem pixidem juxta magnam portam dicte domus existentem imponend. Et secure custodiend. cujus quidem pixidis una clavis penes dictum Capellanum et altera clavis penes unum de dictis pauperibus magis honestiorem pro dictis denariis custodiend. et inter eosdem pauperis distribuend. securé remanebunt. Proviso semper quod si affinis consanguineus aut aliquis specialis amicus alicujus dictorum pauperum aliquid in denariis seu in aliis bonis eorum alicui ea de causa dare vel conferre voluerit quod tale donum inter dictos pauperis nisi ad voluntatem ejus cui dicta bona conferuntur nulla tinus dividatur set in usus ipsius proprios cui sic datur absque reclamatione alterius insolidum convertatur. Ulterius quoque volo et ordino Ego Wills. Wynard ante dictus quod dictus Capellanus qui pro tempore fuerit pro quolibet die quo ipse de dictis serviciis et officiis divinis in dicta Capella ut prefertur faciendi ex sua lata negligencia seu ex malicia precogitata se subdolé retraxerit de suo salario sive stipendio annuatim sibi ut prefertur solvend. quatuor denarios ad minus vel magis ad libitum dicta terras et tenementa in dicta carta contenta ut prefertur tenentis perdet absque perdonacione aliqua inde quovismodo facienda. Et quod quilibet pauper dictorum duodecim pauperum potens in corpore ad veniend. ad dictas Capellam et ecclesiam fratrum minorum ad divina servicia ibidem audiend. prout superius ordinatur non venerit pro quolibet die

quo ipse de dictis locis se absentaverit amittet denarium pro victu illius dici sibi ut prefertur assignatum. Et quoad donum et concessionem cujusdam annualis redditus quadraginta librarum, per Philippum Courtenay, Will. Boneville, milites et alios Johanni Coteler, Majori Civitatis Exoniæ et aliis personis nuper fact. habend. levand. et percipiend. sic dum ordinationem meam prout in script ipsorum Philippi Willi. et aliorum inde tripartite indenta plenius continetur ordino et statuo per presentes videlicet quod quamdiu Ego. Wills. Wynard et omnes heredes mei de corpore meo exeuntes et omnes alii qui in terris et tenementis unde dictus annualis redditus foret levabilis ad usum invencionis et sustentacionis unius capellani et duodecim pauperum in domo vocata Godeshous, extra portam australem dicte civitatis statum habent aut sunt in futurum habituri seu habiturus omnia onera hujusmodi invencionis et sustentacionis secundum hanc presentem ordinationem meam adimplevero et adimpleverint quod dictus annualis redditus nullo tempore futuro sit levabilis, set quociens et quando-cunque ego dictus Wills. Wynard aut aliquis alius in dictis terris et tenementis statum aliquem ad invencionem et sustentacionem predictas habiturus in inveniando seu sustentando dictos capellanum et pauperes secundum dictam ordinationem meam defecero aut defecerit vel hujusmodi onera ut prefertur non adimplevero vel non adimpleverit quod tunc et ex tunc dictus annualis redditus ad inveni-

end. et sustentand. dictos Capellanum et pauperes prout in hac ordinacione mea continetur sit et erit levabilis quousque omnes defectus in ea parte reperti integre fuerint emendati quo defectu seu quibus defectibus in omnibus emendato et emendatis quod ex tunc cesset dicti annuales redditus solucio quousque in invencione et sustentacione predictis alius defectus denovo poterit reperiri, ita quod omnes et singuli in dictis terris et tenementis ad usum dictorum capellani et pauperum modo statum habentes et habituri plenam potestatem et liberam disposicionem omnium reddituum exituum et proficuorum de dictis terris et tenementis provend. omni tempore futuro ad usum dictorum capellani et pauperum secundum ordinacionem meam predictam absque aliquo onere solucionis dicti annualis redditus imperpetuum habebunt nisi in invencione et sustentacione predictis defecerint in quo casu ad corrigendum hujusmodi defectum et defectus dictus annualis redditus in forma superius recitata erit levabilis et aliter nullo modo. Volo insuper et ordino per presentes quod quandocunque aliquo tempore futuro contigerit dictum Majorem et tot de dictis aliis duodecim personis obire quod tantum sex viri ipsorum remanserint superstites quod tunc illi sex superstites tam cito quam hoc commodé fieri possit per scriptum suum indentatum sufficiens in lege dabunt et concedent dictum annualem redditum quadraginta librarum duobus civibus dicte civitatis heredibus et assignatis suis in imperpetuum qui-

quidem cives per attornamentum ad tunc tenentis dictorum terrarum et tenementorum hujusmodi annui redditus habita seisina per scriptum suum indentatum sufficiens in lege dabunt et concedent dictam annualem redditum quadraginta librarum ad tunc Majori civitatis predictae et dictis sex viris superstitibus et aliis sex viris per ipsos sex superstites nominandis heredibus et assignatis suis necnon heredibus et assignatis hered. et assign. suorum quociens cunque nominandorum et faciendorum imperpetuum ad quatuor anni terminos principales eisdem modo et forma habendum levandum et percipiend. prout in dictis scriptis tripartite indentatis per dictos Philippum et Willelmum Boneville et alios dicto nunc Majori predictae civitatis et aliis personis confect. plenius continetur et omni tempore futuro quociens contigerit sex viros tantum de dictis duodecim viris superstitibus fore et non plures tociens ipsi sex superstites duobus civibus dicte civitatis hered. et assign. suis imperpetuum dictum annualem redditum quadraginta librarum in scriptis indentatis sufficienter in lege factis dabunt et concedent. Ac tociens eciam iidem duo cives de dicto reddito per attornamentum dictorum terrarum et tenementorum tenentis seisiti eundem annualem redditum per scriptum eorum indentatum sufficienter in lege factum dabunt et concedent ad tunc majori civitatis predictae et dictis sex viris superstitibus et aliis sex viris per ipsos sex superstites nominandis heredibus et assignis suis necnon heredibus et assignis hered. et

assign. suorum quociens cunque nominandorum et faciendorum imperpetuum habendum levandum et percipiendum ad corrigendum defectum et defectus tenencium dictorum terrarum et tenementorum et dictum redditum per ipsos sic ut prefertur receptum convertere in usum dictorum capellani et pauperum pro eorum invencione et sustentacione habendis secundum hanc ordinacionem meam prout dictorum terrarum et tenementorum tenentis inde facerent seu facere deberent solucione hujusmodi annui redditus modo et forma superius limitata cessante et mansura. Insuper quoque Ego Wills. Wynard ordino per presentes quod omnes et singuli de et in dictis terris et tenementis statum habituri tociens duobus civibus dicte civitatis heredibus et assignis suis necnon Majori et duodecim viris heredibus et assignis suis attornabunt quociens ex dono et concessione aliquibus ut prefertur faciendis aliquem statum de dicto annuali redditu dictis civibus Majori et duodecim viris heredibus et assignis suis fieri contigerit in futurum. Ac eciam volo et ordino per presentes quod Major dicte civitatis qui pro tempore fuerit et dicti duodecim viri in dicto annuali redditu statum habentes et habituri si interesse possint bis per annum videlicet infra octav. Pasche et Sancti Michaelis Archangeli dictam domum de Godeshous in propriis personis suis visitabunt querelas dictorum capellani et pauperum audient ac remedium inde ad eorum posse apponant aut fieri procurabunt qui ante recessum suum ad

custus capellani ibidem qui pro tempore fuerit unam
 lagenam vini et unam lagenam Cervisie. si voluerint
 in qualibet visitacione ibidem potabunt et de dicto
 capellano qualibet vice visitacionis predictus Major
 dicte civitatis qui pro tempore fuerit viginti denarios
 quilibet Senesc. ejusdem civitatis quatuor denarios, et
 quilibet Servientum civitatis predictae qui pro tem-
 pore fuerint unum denarium recipient tunc ibidem.
 Ac eciam volo et ordino quod quilibet dictorum
 pauperum annuatim imperpetuum pro qualibet die
 dominica de redditibus exitibus et proficuis de dictis
 terris et tenementis proven. recipiet unum denarium
 ultra dictos septem denarios sibi pro qualibet sep-
 timana ut prefertur assignatos. Et quod medietas
 omnium denariorum de redditibus exitibus et
 proficuis omnium dictorum terrarum et tene-
 mentorum cum pertinentibus omni tempore futuro
 proven. ultra invencionem et sustentacionem dic-
 torum capellani et pauperum remanencium cuilibet
 tenenti eorundem dictorum terrarum et tenemen-
 torum qui ordinacionem meam inde adimpleverit
 seu adimpleri fecerit reservetur et quod altera
 medietas inde ad usum dicte domus de Godes-
 hous pro placitis evitandis et juribus dictorum ter-
 rarum et tenementorum conservandis in una pixide
 per me Willelmum Wynard ordinat imponatur
 secure custodiend. unde una clavis penes Majorem
 dicte civitatis altera clavis penes Decanum dicte
 ecclesii qui pro tempore fuerit et tertia clavis penes
 me dum vixero et post obitum meum penes dictorum

terrarum et tenementorum tenentem qui pro tempore fuerit ad Dei laudem in perpetuum remanebunt. Et presens ordinacio quoad dictum annualem redditum quadraginta librarum in dictis scriptis meis contentum et totum id quod subsequitur in eisdem facta fuit primo die Julii anno regni Regis Henrici sexti post conquestum Anglie quintodecimo. Insuper volo et ordino per presentes quod quilibet dictorum terrarum et tenementorum tenens qui pro tempore fuerit annuatim solvet seu solvi faciet dicto capellano qui pro tempore fuerit octo solidos et octo denarios pro expensis suis quas ipse per annum integrum in Invisitacionem predictam faciet ut prefertur.

CARTA ORDINACIONI ANNEXA.

Sciant presentes et futuri quod nos Philippus Courtenay, miles, Willelmus Boneville, miles, et Willelmus Ffilham nuper Archidiaconus Cornubie dimisimus tradidimus et hac presente Carta nostra confirmavimus Willelmo Wynard omnia illa terras tenementa redditus servicia et reversiones cum omnibus suis pertinentibus que nos cum Rogero Bolter nuper Precentore Ecclesie Cathedralis Exonie jam defuncto et Johanne Cobbethorne, decano ejusdem ecclesie conjunctim habuimus nobis heredibus et assignis nostris imperpetuum ex dono concessione confirmatione et relaxacione predicti Willelmi Wonard necnon ex tradicionemissionem confirmationem et relaxacionem Roberti Shotesbroke militis Willelmi Dannvers, armigeri, Roberti Alisannder, Willelmi Sharpe, alias dicti Sherpe, Johannis Orum nuper canonici ecclesie Cathedralis Exonie, Johannis Dalynghton, nuper Prioris sancti Nichi Exonie, Johannis Copleston, Johannis Germyn, Johannis Hull, Johannis Shillyngford, Rici Baker necnon ex remissione relaxacione et quietam clamacionem Johannis, Speke militis, Johannis

Shillyngford, Johannis Shaplegh, Willelmi Sharp, Johannis Germyn, Roberti Alisannder, Walteri Whitelegh, Johannis Cook, de Otery sancte marie et Thome Shipton in Civitate Exonie suburbiis ejusdem ville, et Maudelyn Strete, extra portam australem ejusdem civitatis in Toppesham infra Parochiam de Toppesham, Dureyurd, Criditon infra Parochiam de Criditon, Sidmouth, Sidecombe ac infra hundred de Criditon, Estbuddelegh et Westbuddelegh, in comitatu Devonie. Ac eciam dimisimus tradidimus et hac presenti carta nostra confirmavimus profato Willelmo Wonard omnia illa messuagia terras tenementa redditus servicia et reversiones cum omnibus suis pertinentibus que nos cum dictis precentore, et decano conjunctim habuimus nobis heredibus, et assignis nostris imperpetuum ex dono concessione et confirmatione predicti Willelmi Wonard, in South Petherton, in Comitatu Somerset, habendum et tenendum omnia predicta terras tenementa redditus servicia, et reversiones cum omnibus suis pertinentibus profato Willelmo Wonard ad terminum vite sue de capitalibus dominis, feod illorum per redditus et servicia inde debita et de jure consueta. Ita tamen quod idem Willelmus Wonard durante tota vita sua cum et de exitibus redditibus et proficuis de omnibus predictis terris et tenementis cum pertinentibus proven et percipiendis annuatim inveniet unum capellanum ydoneum divina servicia celebraturum et duodecim pauperes debiles infra quamdam domum vocatam

Goddishous extra portam australem civitatis Exonię per ipsum Willelmum Wonard de novo ad laudem summe et individue Trinitatis edificatam et omnia alia onera ejusdem domus durante vita sua annuatim secundum ordinacionem suam in ea parte in scriptis factam et huic presenti carte nostre annexam supportabit et sustentabit aut in omnibus supportare faciet et debite sustentari. Ita que insuper inde volumus et concedimus per presentes quod si contingat predictum Willelmum Wonard obire aut ipsum aut aliquem assignatorum suorum aut aliquem alium ex assensu ipsius Willelmi dictam ordinacionem suam infringere aut hujusmodi ordinacionem in omnibus non observare seu non adimplere quod tunc et ex tunc cesset et terminetur status ipsius Willelmi Wonard quem ipse per presentes habet in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terra et tenementa cum pertinentibus integre et imediate remaneant per presentes *Johanni Bluet* habend et tenend sibi ad terminum vite sue de capitalibus dominis feodorum illorum per redditus et servicia predicta et ad inveniendum unum capellanum ydoneum et duodecim pauperes modo et forma predictis et omnia alia onera dicte domus de Godeshous secundum ordinacionem predictam presentibus ut prefertur annexam supportare et adimplere. Et si contingat ipsum Johannem Bluet obire aut ipsum aliquo tempore vite sue aut aliquem assignorum suorum aut aliquem alium ex assensu

ipsius Johannis Bluet dictam ordinacionem infringere aut hujusmodi ordinacionem predictam non perficere seu non in omnibus ad implere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem predictus Johannes Bluet habet in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertinentibus integré et immediaté remaneant *Johanni Wonard* filio predicti Willelmi Wonard habendum et tenendum eidem Johanni et heredibus de corpore suo exeuntibus de capitalibus dominis feodorum illorum per redditus et servicia predicta ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicte domus de Goddishous secundum ordinacionem predictam presentibus ut prefertur annexam supportare et ad implere. Et si contingat ipsum Johannem Wonard sine herede de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Johannis Wonard aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem predictus Johannes Wonard habet in omnibus terris et tenementis predictis cum pertinentibus et in qualibet parcella inde, et quod omnia predicta terre et tenementa cum pertinentibus

integre et immediate remaneant *Thome Wonard* fratri predicti *Johannis Wonard* habendum et tenendum eidem *Thome* et heredibus de corpore suo exeuntibus de capitalibus dominis feodorum illorum per redditus et servicia inde debita et de jure consueta ad invenendum unum capellanum ydoneum et duodecim pauperes modo et forma superius recitatis, et omnia alia onera dicte domus de *Goddishous* secundum ordinationem predictam presentibus annexam supportare et adimplere. Et si contingat predictum *Thomam* sine herede de corpore suo procreato obire aut ipsum *Thomam* aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius *Thome* aut alicujus heredum suorum predictorum dictam ordinationem infringere aut hujusmodi ordinationem predictam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem predictus *Thomas Wonard* habet in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertinentibus integré et immediaté remaneant per presentes *Johanni Speke* militi et heredibus de corpore suo exeuntibus tenendum de capitalibus dominis feodorum illorum per redditus et servicia predicta ad invenendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicte domus de *Goddishous* secundum ordinationem predictam presentibus ut prefertur annexam supportare et adimplere. Et si contingat

predictum Johannem Speke sine herede de corpore suo procreato obire aut ipsum Johannem aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Johannis Speke aut alicujus heredum suorum predictorum durante eorum statu predicto dictam ordinacionem infringere aut hujusmodi ordinacionem predictam in omnibus non adimplere quod tunc et ex tunc cesset, et terminetur totus status quem predictus Johannes Speke, et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde, et quod omnia predicta terre et tenementa cum pertinentibus intégré et immediaté remaneant *Willelmo Speke*, fratri predicti Johannis Speke, habendum et tenendum eidem Willelmo et heredibus de corpore suo exeuntibus, de capitalibus dominis feodorum illorum per servicia, inde debita ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim, modo et forma premissis et omnia alia onera dicte domus, de Goddeshous secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum Willelmum aut aliquem heredum suorum predictorum, aut aliquem assignorum suorum, aut aliquem alium ex assensu ipsius Willelmi, aut alicujus heredum suorum predictorum dictam ordinacionem infringere, aut hujusmodi ordinacionem predictam presentibus annexam, in omnibus non adimplere quod tunc et ex tunc cesset et terminetur

imperpetuum totus status quem predictus Willelmus Speke et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus, et in qualibet parcella inde, et quod omnia predicta terre et tenementa cum pertinentibus integre et immediate remaneant *Waltero Bluet* et heredibus mastulis, de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia inde debita, ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim, modo et forma premissis et omnia alia onera dicte domus de Goddishous, secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat predictum Walterum sine herede mastulo de corpore suo procreato obire, aut ipsum Walterum, aut aliquem heredum suorum predictorum, aut aliquem assignorum suorum, aut aliquem alium ex assensu ipsius Walteri, aut alicujus heredum suorum predictorum dictam ordinacionem infringere, aut hujusmodi ordinacionem predictam presentibus annexam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem dictus Walterus et heredes sui predicti habent in omnibus predictis terris et tenementis et in qualibet parcella inde. Et quod omnia predicta terre et tenementa cum pertinentibus integre et immediaté remaneant *Wilhelmo Courtenay* filio meo Philippi Courtenay antedicti et heredibus mastulis de corpore suo procreatis tenendum de capitalibus dominis feodorum

illorum per servicia inde debita ad inveniendum unum capellanium ydoneum et duodecim pauperes debiles annuatim modo et forma premissis et omnia alia onera dicte domus de Goddeshous secundum ordinacionem predictam supportare et adimplere. Et si contingat predictum Willelmum Courtenay sine herede mastulo de corpore suo procreato obire aut ipsum Willelmum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Willelmi aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam presentibus annexam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem dictus Willelmus Courtenay et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertinentibus integré et immediaté remaneant *Willelmo Bonevile* filio meo dicti Willelmi Bonevile et heredibus mastulis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanium ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicte domus de Goddishous secundum ordinacionem predictam supportare et adimplere. Et si contingat predictum Willelmum Bonevile filium sine herede mastulo de corpore suo procreato obire aut ipsum Willelmum aut aliquem



heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Willelmi filii aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam presentibus annexam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem dictus Willelmus filius et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertinentibus integré et immediaté remaneant *Thome Courtenay* Comiti Devonie et heredibus masculis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanum ydorneum et duodecim pauperes annuatim modo et formâ premissis et omnia alia onera dicti domus de Goddeshous secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum comitem sine herede mastulo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius comitis aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem idem comes et heredes sui predicti habent in omnibus predictis terris et

tenementis cum pertinentibus et in qualibet parcella inde; et quod omnia predicta terre et tenementa cum pertinentibus integre et immediate remaneant Humfredo Beville et heredibus mastulis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicti domus de Goddishous secundum ordinationem predictam presentibus annexam supportare et adimplere. Et si contingat dictum Humfredum sine herede mastulo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Humfredi aut alicujus heredum suorum predictorum dictam ordinationem infringere aut hujusmodi ordinationem predictam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status quem dictus Humfredus et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertinentibus integre et immediate remaneant *Johanni Efortescu* servienti ad legem et heredibus mastulis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicti domus de Goddeschous

secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum Johannem Efortescu sine herede mastulo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Johannis aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam in omnibus non adimplere quod tunc et ex tunc cesset et terminetur perpetuum totus status quem predictus Johannes et heredes sui predicti habent in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde et quod omnia predicta terre et tenementa cum pertin. integre et immediate remaneant *Johanni Copleston* et heredibus mastulis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicti domus de Goddeshous secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum Johannem Copleston sine herede mastulo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Johannis aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam non in omnibus ad-

implere quod tunc et ex tunc cesset et terminetur imperpetuum totus status dicti Johannis et heredum suorum predictorum in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde; et quod omnia predicta terre et tenementa cum pertinentibus integre et immediate remaneant *Johanni Whiteleggh* et heredibus masculis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum capellanum ydoneum et duodecim pauperes annuatim modo et forma premissis et omnia alia onera dicti domus de Goddishous secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum Johannem Whiteleggh sine herede masculo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Johannis aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam non in omnibus adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status dicti Johannis Whiteleggh et heredum suorum predictorum in omnibus terris et tenementis predictis cum pertinentibus et in qualibet parcella inde; et quod omnia predicta terre et tenementa cum pertinentibus integre et immediate remaneant *Nicholao Carrewe*, militi, et heredibus masculis de corpore suo procreatis tenendum de capitalibus dominis feodorum illorum per servicia predicta ad inveniendum unum ca-

pellanum ydoneum et duodecim pauperes annuatim modo et forma predictis et omnia alia onera dicti domus de Goddishous secundum ordinacionem predictam presentibus annexam supportare et adimplere. Et si contingat ipsum Nichm. sine herede mastulo de corpore suo procreato obire aut ipsum aut aliquem heredum suorum predictorum aut aliquem assignorum suorum aut aliquem alium ex assensu ipsius Nichi. aut alicujus heredum suorum predictorum dictam ordinacionem infringere aut hujusmodi ordinacionem predictam non in omnibus adimplere quod tunc et ex tunc cesset et terminetur imperpetuum totus status dicti Nichi. et heredum suorum predictorum de et in omnibus predictis terris et tenementis cum pertinentibus et in qualibet parcella inde; et quod omnia predicta terre et tenementa cum pertinentibus per presentes integre et immediate remaneant illustrissimo Principi ac Domino HENRICO Regi Angliæ et Ffranciæ Sexto et heredibus suis Regibus Angliæ imperpetuum ad suum beneplacitum prout eorum cuilibet placuerit regie voluntati dicta pietatis opera per esc. suum in comitatu Devonie perficere inconcussé; de suis receptis et solucionibus inde annuatim fidelem compotum in scaccario domini Regis debite redditurum. In cujus rei testimonium nos Philippus, Willelmus Boneville, et Willelmus Ffilham antedicti huc Carte nostre sigilla nostra apposuimus iis testibus Edvardo Lacy, Exonie Episcopo, Thoma Courtenay, comite Devonie, Thoma

Beamounde, Johanne Dynham, Johanne Speke, militibus, Johanne Hull, Majore civitatis Exonie, Johanne Salter, Thoma Cook de Exonia, et aliis multis. Datum apud Exoniam quarto die Septembris anno regni Regis Henrici sexti post conquestum Angliæ, decimo-septimo.

TRANSLATIONS.

The Ordinance of WILLIAM WYNARD, mentioned in the Charter annexed, follows in these words :—

In the name of the Most High and Undivided Trinity, Father and Son and Holy Ghost, Amen.

I, William Wynard, the 20th day of January, in the fourteenth year of the reign of King Henry the Sixth after the conquest of England, for the increase of divine worship and for the relief of the want of poor infirm people who are not able to help themselves, do will, decree, establish, and ordain by these presents, that in the house without the south gate of the city of Exeter, lately erected, founded, and situated at my expense, called Godeshous, there shall be one perpetual chaplain of good and honest conversation, and competent in morals and learning, whom I will shall be commonly called William Wynard's priest, personally to reside in the said house, in the place to be assigned to him, and continually to remain there, saving as after mentioned, in a certain chapel parcel of the said house, which I will

shall be also commonly called Trinity Chapel, which said house and chapel and all the dwellings in the said house, with the garden in the inclosure and close there, the said chaplain and his successors, chaplains of the same house, shall from time to time well and sufficiently repair, maintain, and sustain for ever, at my expense during my life, and after my decease at the costs of him and them who shall have the lands and tenements mentioned in the Charter hereto annexed. And that the said chaplain and every one of his successors shall altogether abstain from any secular cares, ministrations, offices, and public employments, and from any other stipends or salaries, and all other causes of business, and from all taverns and places whatsoever which may give occasion for his leaving or wandering from the house, or whereby his absence may arise or follow, and especially that they be not fowlers, hunters, fornicators, adulterers, nor using any suspected places, that being altogether separated from such, they may the better apply themselves to the performance of divine services and offices without hindrance. I also will and ordain that the said chaplain for the time being during his life, being well disposed thereto, shall every day between seven and eight o'clock in the morning begin to say the matins for the day in the aforesaid chapel, and there distinctly and devoutly shall perform the same without interruption, with all the canonical hours according to the Sarum use, and

that on his entrance to the said chapel before the commencement of matins he shall say in English, which the bystanders may hear, "For the good
 "spede, prosperite, and welfare of our liege lord the
 "Kyng, and of his trewe counsell, and for all the
 "sowlis of his noble progenitours, and for the good
 "spede, welfare, and prosperite of William Wynard,
 "foundour of this place, and for all his ffeffees of
 "this place, that both other shall be at any time
 "hereafter, and for William Wynardis fader sowe,
 "and his moder, and for al his auncestres saules,
 "and for al the sawles of hem that William Wynard
 "is hold to do fore, and for all Cristyn sawles seyth
 "every man a pater noster and ave." And so following without an interval he shall begin to say the psalm of "De profundis," &c., and a like psalm, with the Lord's Prayer and the Angelical Salutation, with other prayers accustomed; and to this psalm annexed, and to be wholly said by himself, he shall begin the matins for the day, or of the Holy Trinity, or of the Blessed Virgin Mary, or of the other saints, as shall be more fully stated below; and in like manner the said chaplain, before the commencement of mass and vespers on every day, shall on his entrance to the chapel say the aforesaid words in English, with the psalm of "De profundis" as is above contained, and at the close of matins, mass, and vespers he shall not omit to say the psalm of "De profundis" before he retires from the said chapel. Also I ordain by these presents that the said chaplain

for the time being, after he shall have said matins and all the other canonical hours in the said chapel, shall prepare himself without any interval to say mass there, who by himself or by some other shall ring the bell as well at matins as at mass, and also at vespers, in the said chapel, about two o'clock in the afternoon; and that the said chaplain, on every Monday (unless a feast which is a greater double shall happen on that day), shall be bound to say the mass for the Holy Angels of God; and on every Monday, Wednesday, and Saturday throughout the year the office for the dead, namely, Placebo et dirige, and the Recommendation Prayer for the relief and salvation of the progenitors of our said lord the King, the parents and benefactors of the said William Wynard, and also the soul of our said lord the King that now is when he shall depart this life, and also for the soul of the said William when he shall depart this life, and also for the souls of all the faithful departed, especially the souls being in the pains of Purgatory having very few friends, unless on any of the aforesaid days a feast which is a greater double shall happen, then in such feast he shall be excused from saying this office for the dead and the Recommendation Prayer from respect to the feast, unless he will do it gratis, which said office and Recommendation Prayer, then omitted from respect to the feast, as is aforesaid, he shall be bound to say on the morrow of the said feast,

together with the seven Psalms of the Holy Trinity, beginning "Laudate pueri Dominum," [Praise the Lord, ye servants,] and ending "Omnis spiritus laudet Dominum," [Let everything that hath breath praise the Lord.] Moreover, I appoint and ordain that every chaplain aforesaid, who for the time being shall be convicted of any notable crime without fraud and evil invention concerning the truth of the charge, according to the exigency of the law and by legal proofs, and again shall fall into the same crime, or shall commit any other notable crime for which he shall become infamous or the credit of the priesthood be grievously injured, that the second crime being proved as aforesaid, the said chaplain shall immediately be deprived of the said service and office, and that another fit chaplain shall be chosen in his place to perform the said divine offices and services, as before mentioned, and be duly admitted by him who shall then be seized of the said lands and tenements by virtue of the said Charter to this Ordinance annexed, without carnal affection, as shall be mentioned below. Also I ordain that every chaplain who shall be elected as above-mentioned to perform the said divine offices and services shall, before he shall be admitted to that situation, take his corporal oath that he for his part will observe and firmly cause to be observed all the articles in my Ordinance touching the said chaplain in all things, and that he will safely, securely, and honestly, keep for his time the books,

vestments, and all the other ornaments of the said chapel, and them by indenture to be made between him who shall then be seized of and in the said lands and tenements, by virtue of the said Charter, and the said chaplain, shall receive; and so the said chaplain, before his retirement from the said office, shall faithfully re-deliver all the said goods without injury or lessening, so far as he can, their age and use excepted, to him who shall then be seized of the said lands and tenements by virtue of the said Charter. And that the said chaplain shall keep peace among the said poor people, and to the utmost of his power shall duly settle any difference between them, should there be any, without any partiality, or otherwise shall fully inform him who shall then, as is aforesaid, be seized of and in the said lands and tenements, of the whole fact and all the circumstances, to enable him to make peace thereupon. I moreover decree and ordain by these presents, that every chaplain of the said chapel for the time being, if he shall be promoted to any other benefice, or for any other cause should wish to retire from his said office and service, shall give six months' previous notice at the least before he departs, to him who shall then by virtue of the said Charter to this Ordinance annexed be seized of and in the said lands and tenements, so that he who shall at that time be so seized of and in the said lands and tenements as aforesaid, having such previous notice, may be able to appoint another fit

chaplain to perform divine services and offices as aforesaid. And that the said chaplain may have leave to be absent altogether from the said house once or twice in the year, for three weeks and three days at most, for reasonable cause, namely, to visit his parents, relations, or friends, or in travelling for his health or necessary recreation, and that the said chaplain for six days before his departure shall give true account upon his oath, in that case appointed, of all things by him received, and of all things which by him ought to have been received, to the person who shall then be seized of the said lands and tenements as before mentioned. And that the said chaplain, during his aforesaid absence, as far as he conveniently can, shall say all his aforesaid services in the place and places in which the said chaplain shall happen to be. Moreover, I decree and ordain that every chaplain admitted to perform the divine services and offices as aforesaid, on the day on which he shall be so admitted, or on the following day, by indenture to be made between him and the person who shall be seized of the said lands and tenements, shall receive the books, chalice, and other goods to the said chapel and house belonging, with a clause in the same indenture contained that the said chaplain, whenever required by the person seized of the said lands and tenements as aforesaid, shall produce to him all the aforesaid goods, and the same as above and hereafter is stated shall re-deliver, without this, that the said chaplain shall not

alienate, remove, pledge, or in any manner injure the said goods, or any part of them, age and the reasonable use thereof only excepted. And forasmuch as it is elsewhere written that he who does not work neither let him eat; and on the other hand, he that serves at the altar ought to live of the altar, therefore I, the aforesaid William Wynard, will and determine by these presents that the said chaplain who so as aforesaid shall perform and celebrate the divine services and offices in the said chapel, shall yearly receive eight marks of lawful money of England, at the four principal terms of the year, by equal portions, of the rents, issues, and profits of the said lands and tenements [mentioned] in the Charter to this Ordinance annexed, by the hands of him who shall be seized of and in the said lands and tenements. Moreover, that the chaplain for the time being shall provide at his own expense one loaf of bread and lights sufficient for the performance of the said divine services and offices as often as it shall be necessary. And because idleness has taught much mischief, and it is most likely that it will teach infinitely more evils, and because virtues are increased by virtues, I will, determine, and ordain by these presents that the said chaplain for the time being shall daily, in the chapel aforesaid, between the said times of divine service, as is fitting and the time shall allow, and as he may reasonably have leisure, teach three boys at the least, [or] four, five, six, seven, eight, or

nine, at the most, at the costs and charges of their parents and friends in all things—to read from the beginning of the alphabet up to the great Psalter of Holy David, and to learn the same. Moreover, I will and ordain that every chaplain aforesaid, for the time being, shall say among other things this collect, namely : “ O Lord Jesu Christ, the Son of the “ Living God, as Thou wilt and as Thou knowest, “ have mercy upon thy creature William, the “ founder of this place, and grant unto him steadfast “ hope, a right faith, and perfect charity, and “ grant unto him a good end, which is above every “ gift. Amen.” And that this prayer which follows, to be said for the salvation of my soul, shall always be said by the said chaplain after the first prayer, so that these prayers may be concluded by the said priest under one “ per Dominum ” with the secret and post-communion, as shall hereafter be made to appear : “ Almighty and everlasting God, “ Preserver of all the souls that shall be saved, Who “ chastenest whom Thou lovest, and whom Thou “ chastenest Thou dost constrain to a holy amendment [of life], we beseech Thee that Thou wouldest “ pardon the soul of Thy servant William, that in “ the hour of his departure from the body he may “ be presented in the Light of Thy Glory, without “ spot of sin, by the hands of Thy holy angels, “ through our Lord, &c.” “ Be present, O Lord, “ we beseech Thee, for Thy mercy, to our supplications, and accept the sacrifice which we offer to

“ Thee for Thy servant William, praying for the
 “ health not of his body, but of his soul. Grant, we
 “ beseech Thee, to him pardon of all his sins, that
 “ by this sacrifice which we offer to Thee, his soul,
 “ being received by Thy holy angels, may come to
 “ Thy kingdom of glory, through our Lord, &c.”
 “ We give thanks unto Thee, O Lord, that we being
 “ refreshed with the healthful sacraments in which
 “ Thou art wont to unite the souls that hope in Thee,
 “ and trusting in Thy mercy with humble devotion,
 “ pray that Thou wouldst have mercy on the soul of
 “ Thy servant William, that the enemy may not
 “ prevail against it in the hour of its departure from
 “ the body, but that it may enjoy a passage to life,
 “ through our Lord, &c.” Also I ordain and ap-
 point that the twelve poor people shall be freely
 chosen by him who shall be seized of and in the said
 lands and tenements, by virtue of the said Charter,
 and so admitted to and in the said house, and when
 admitted shall never be removed from thence except
 for reasonable cause, and that the said twelve poor
 people shall be continually resident within the said
 house, in the places appointed for them, namely,
 that each of them having and to have a separate
 dwelling within and without the great gate in the
 curtilage and garden of the said house for their re-
 creation, shall constantly reside there, and that nei-
 ther of them do in any wise wander or pass through
 the said city, except to the cathedral church of St.
 Peter, and the church of the Friars Minors, and

the Cross in Southyngheyes, unless for reasonable cause. And that all the said poor people, to the utmost of their power, shall attend in the said chapel to hear all the said divine services, and every day before eleven o'clock shall humbly and devoutly say once, and after dinner twice, in the said chapel one psalm at the least from the Office of the most Blessed Virgin Mary, the Mother of God. And that every one of them being able to read shall say daily in the said chapel, besides the said three psalms, matins, hours, vespers, and compline, from the Office of the said Virgin Mary Mother. And if any of them be so learned that he can read the Book of Psalms which begins *Beatus vir* [Blessed is the Man], that such poor person so learned shall say there every day distinctly and devoutly one nocturn at least of the said Book of Psalms, so that in one week one whole Book of Psalms may in this manner be read through. And that each of the poor people who shall be able to work shall be bound to go to the church of the Friars Minors, without the south gate of the said city of Exeter, to hear the mass there, called Wynard's Mass, appointed to be said at the altar there, about ten o'clock in the forenoon, and when that mass is finished he shall return to the House called Godeshous, without any appearance of evil whatever between the said places, either in going or returning. I will, moreover, and ordain by these presents, that none of the said poor people shall beg within the said city or without; but if

any one from charity shall give to any of them any alms in money, or in other things, that all the money, and the value of any other thing so given to any of them, shall be put into the common box near the great gate of the said house for the common benefit of the said poor people, and there be safely kept, of which box one key shall be kept by the said chaplain, and another by one of the most honest of the said poor people, and remain securely for keeping the said money, and distributing the same among the said poor people. Provided always that if any relation, kinsman, or any special friend of any of the said poor people shall for that reason choose to give to any of them anything in money or in other goods, that such gift, unless with the consent of him to whom the said goods shall be given, shall in no case be divided, but be applied to the sole use of him to whom it is so given, without claim by any other. Moreover, I, the said William Wynard, do also will and ordain that the said chaplain for the time being, for every day in which he shall craftily withdraw himself from performing the said divine services and offices in the said chapel as aforesaid by open neglect or malice aforethought, shall lose out of his salary or stipend, to be paid to him yearly as aforesaid, four pence at the least, or more at the will of him who shall hold the said lands and tenements in the said Charter mentioned, without any remission whatever to be in any manner made thereof. And that every poor person of the said twelve poor people, being in

health to come, who shall not attend the divine services at the said chapel and church of the Friars Minors as is above directed, for every day in which he shall absent himself from the said places shall lose one penny appointed for his food that day as aforesaid. And with respect to the gift and grant of a certain annual rent of forty pounds, lately made by Philip Courtenay, William Boneville, Knights, and others to John Coteler, Mayor of the city of Exeter, and others, to be had, levied, and received according to my Ordinance, as is more fully contained in an indenture tripartite of the said Philip William and others, I ordain and appoint by these presents as follows :—That so long as I, William Wynard, and all the heirs of my body issuing, and all others who now have or hereafter shall have an estate in the lands and tenements, out of which the said annual rent shall be levied for the use of finding and supporting one chaplain and twelve poor people in the house called Godeshous, without the south gate of the said city, shall discharge all the burthens of this finding and support according to this my present Ordinance to be fulfilled, the said annual rent shall at no time be levied; but when and as often as I, the said William Wynard, or any other who shall have any estate in the said lands and tenements for the finding and support aforesaid, shall make default in finding and supporting the said chaplain and poor persons according to my said Ordinance, or shall not discharge the said burthens as aforesaid,

that then and from thenceforth the said annual rent for finding and supporting the said chaplain and poor people, as in this my Ordinance is contained, shall be leviable and levied until all defects in this respect shall be fully amended in all things, that thenceforth the payment of the said annual rent shall cease until another default shall again be found in the finding and support aforesaid, so that all and singular they who now have or shall hereafter have an estate in the said lands and tenements, to the use of the said chaplain and poor people, shall have full power and free disposal of all the rents, issues and profits arising from the said lands and tenements for all future time, to the use of the said chaplain and poor people, according to my aforesaid Ordinance, without any obligation to pay the said annual rent for ever, unless they shall make default in the finding and support aforesaid, in which case, for the correction of such default, the said annual rent shall be levied in manner above mentioned, and not otherwise. I will also and ordain by these presents that whenever, in any future time, it shall happen that the said mayor and so many of the said twelve trustees shall die, that only six men of them shall be surviving, that then those six survivors, as soon as it can conveniently be done by their sufficient writing indented, shall give and grant the said annual rent of forty pounds to two citizens of the said city, their heirs and assigns for ever, which said citizens having seizin of the said annual rent

by attornment of the then tenant of the said lands and tenements, by their sufficient legal indenture in writing, shall give and grant the said annual rent of forty pounds to the then mayor of the said city and the said six survivors, and to six others to be named by the said six survivors, and to their heirs and assigns, and also to the heirs and assigns of their heirs and assigns, as often as they shall be made and named, for ever, to be had, levied, and received at the four principal terms of the year, in the same manner and form as is more fully contained in the said writing, indented tripartite, made by the said Philip and William Boneville and others to the present mayor of the said city and others, and at all times hereafter, when and as often as it shall happen that six only of the said twelve trustees shall be surviving, and not more, the said six survivors, by their deed indented sufficient in the law, shall give and grant the said annual rent of forty pounds to two citizens of the said city, their heirs and assigns for ever; and so often the said two citizens being seized of the said rent by the attornment of the tenant of the said lands and tenements, by their deed indented sufficient in the law, shall give and grant the said annual rent to the then mayor of the said city and the said six survivors, and to six others to be named by the said six survivors, their heirs and assigns, and to the heirs and assigns of the heirs and assigns of them that shall be so nominated, and made as often as it may be for ever

to have, levy, and receive the same, to amend the defaults of the tenants of the said lands and tenements, and the said rent, so as aforesaid, by them received to apply for the use of the said chaplain and poor people for their finding and support, according to this my Ordinance, as the tenants of the said lands and tenements did, or ought to do, then the payment of the said annual rent in manner and form above appointed to cease and so to remain. Moreover, also, I, William Wynard, ordain by these presents that all and singular the persons who shall hereafter have an estate in the said lands and tenements shall attorn to the said two citizens of the said city, their heirs and assigns, and also to the mayor and twelve men, their heirs and assigns, as often as by gift or grant any estate in the said annual rent shall happen to be made to the said mayor and twelve men, their heirs and assigns, at any time hereafter. I also will and ordain by these presents that the mayor of the said city for the time-being, and the said twelve men having or who shall have any estate in the said annual rent, if they can be present, shall personally visit the said house called Godeshous twice in the year, namely, within the octaves of Easter and of Saint Michael the Archangel, hear the complaints of the said chaplain and poor people, and apply or cause to be provided a remedy for the same to the extent of their power, who, before they depart, shall drink there at each visitation, if they will, a flagon of wine and a flagon

of ale at the costs of the chaplain there for the time being; and that the said Mayor of the said city for the time being shall at each visitation then and there receive of the said chaplain twenty pence, each Steward of the said city fourpence, and each Serjeant of the said city for the time being one penny. And also I will and ordain that each of the said poor people shall yearly, for ever, receive for every Sunday one penny, arising from the rents, issues, and profits of the said lands and tenements beyond the said seven pence appointed for them for each week, as aforesaid. And that a moiety of all the money arising from the rents, issues, and profits of all the said lands and tenements, with the appurtenances, for ever hereafter remaining beyond what shall be required for the finding and support of the said chaplain and poor people, shall be reserved to every tenant of the said lands and tenements who shall fulfil or cause to be fulfilled this my Ordinance. And that the other moiety thereof shall be put into a box provided by me, William Wynard, and there be safely kept for the use of the said house of Godeshous, for avoiding suits and preserving the rights of the said lands and tenements, one key whereof shall remain with the Mayor of the said city, another key with the Dean of the said [Cathedral] Church for the time being, and the third key with me while I live, and after my decease with the tenant of the said lands and tenements for the time being, to the praise of God for

ever. This present Ordinance relating to the said annual rent of forty pounds contained in my said writing, and all that follows in the same, was made the first day of July, in the fifteenth year of the reign of King Henry the Sixth, after the conquest of England. Moreover, I will and ordain by these presents that every tenant of the said lands and tenements for the time being shall yearly pay or cause to be paid to the said chaplain for the time being, eight shillings and eight pence for his expenses which he shall incur throughout the year in the visitation aforesaid, as is above mentioned.

CHARTER TO THE ORDINANCE ANNEXED.

Know all men, that we Philip Courtenay, knight, William Boneville, knight, and William Filham, late archdeacon of Cornwall, have demised, granted, and by this our present Charter confirmed to William Wonard* all those lands, tenements, rents, services and reversions, with all their appurtenances, which we, with Roger Bolter, late precentor of the Cathedral Church of Exeter, now deceased, and John Cobbethorn, dean of the said church, jointly had to us, our heirs and assigns for ever, of the gift, grant, confirmation and release of the said William Wonard, and also of the grant, demise, confirmation and release of Robert Shotesbroke, knight, William Dannvers, esquire, Robert Alissander, William Sharpe, otherwise called Sherpe, John Orum, (lately a canon of the Cathedral church of Exeter,) John Dalington, (late prior of Saint Nicholas Exon), John Copleston, John Germyn, John Hall, John Shillyngford, Richard Baker, and also by the remise, release and quit claim of John Speke, knight, John Shillyngford, John Shaplegh, William Sharpe, John Germyn,

* The Founder's name is spelt "Wonard" throughout this Charter.

Robert Alissander, Walter Whitelegh, John Cook, of Ottery Saint Mary, and Thomas Shipton in the city of Exeter, in the suburbs of the same city, and Maudelyn Strete without the south gate of the said city, in Topsham, in the parish of Topsham, Duryard Crediton, in the parish of Crediton, Sidmouth, Sidecombe, and within the hundred of Crediton, East Budleigh and West Budleigh, in the county of Devon. And also we have demised, granted, and by this our present charter, confirmed to the said William Wonard all those messuages, lands, tenements, rents, services and reversions, with all their appurtenances, which we, with the said Precentor and Dean, jointly had to us, our heirs and assigns, for ever of the gift, grant, and confirmation of the aforesaid William Wonard, in South Petherton, in the county of Somerset, to have and to hold all the aforesaid lands, tenements, rents, services and reversions, with all their appurtenances to the said William Wonard, for the term of his life, of the chief lords of the fee thereof, by the rents and services therefore due, and of right accustomed, so that the said William Wonard, during the whole of his life, with and by the rents, issues and profits to arise and be received of all the said lands and tenements, with the appurtenances, shall find one fit chaplain to celebrate Divine service, and twelve infirm poor people, and them shall yearly support and maintain, or cause them, in all things, to be duly supported and maintained within a certain house called

Goddishous without the south gate of the city of Exeter, recently built by the said William Wonard, to the praise of the Most High and Undivided Trinity, and also discharge and fulfil all the other burthens of the said house, according to his Ordinance in that behalf made in writing, and to this our Charter annexed. And we moreover will and grant by these presents, that if it shall happen that the said William Wonard shall die, or that he or any of his assigns, or any other, with the assent of the said William, shall break his said Ordinance, or the same Ordinance shall not in all things observe or fulfil, then and from thenceforth the estate of the said William Wonard which he has by these presents in all the said lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined; and that thenceforth all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain by these presents to *John Bluet*, to have and to hold to him for the term of his life of the chief lords of the fee, by the rents and services aforesaid, to find one fit chaplain and twelve poor people, in manner and form aforesaid, and to maintain and discharge all other burthens of the said house of Godeshous, according to the aforesaid Ordinance to these presents annexed, as is aforesaid. And if it shall happen that the said John Bluet shall die, or that he at any time, or any of his assigns during his life, or any other, by the assent of the said John

Bluet, shall break the said Ordinance, or shall not perform or in all things fulfil the said Ordinance, that then and from thenceforth all the estate which the said John Bluet has in all the said lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined for ever. And that all the aforesaid lands and tenements, with the appurtenances, shall immediately and wholly remain to *John Wonard*, the son of the said William Wonard, to have and to hold to the said John and the heirs of his body issuing, of the chief lords of the fee thereof, by the rents and services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all other burthens of the said house of Goddishous according to the said Ordinance to these presents annexed as aforesaid. And if it shall happen that the said John Wonard shall die without an heir of his body begotten, or that he or any of his heirs or assigns, or any one else by the assent of the said John Wonard or any one of his heirs aforesaid, shall break the said Ordinance, or fail to perform the said Ordinance in all things, that then and from thenceforth all the estate which the said John Wonard hath in all the aforesaid lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *Thomas Wonard*, the brother of the said John

Wonard, to have and to hold to the said Thomas and the heirs of his said body issuing of the chief lords of the fee thereof, by the rents and services therefore due and of right accustomed, to find one fit chaplain and twelve poor people in manner and form above-mentioned, and to discharge and fulfil all other burthens of the said House of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said Thomas shall die without any heirs of his body begotten, or the said Thomas or any one of his aforesaid heirs or assigns, or any other, with the assent of the said Thomas or any one of his said heirs, shall break the said Ordinance, or shall not fulfil the said Ordinance in all things, then and from thenceforth the whole estate which the said Thomas Wonard hath in all the aforesaid lands and tenements, with the appurtenances, and in every parcel thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain by these presents to *John Speke*, knight, and the heirs of his body issuing, to be held of the chief lords of the fee thereof, by the rents and services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance to the presents annexed as aforesaid. And if it shall happen that the said John Speke

shall die without any heir of his body begotten, or if the said John or any of his heirs or assigns, or any other with the assent of the said John Speke or any of his heirs during their estate aforesaid, shall break the said Ordinance or not fulfil the said Ordinance in all things, then and from thenceforth all the estate which the said John Speke and his heirs have in the aforesaid lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined ; and that all the aforesaid lands and tenements, with the appurtenances, shall immediately and wholly remain to *William Speke*, to have and to hold to the said William and the heirs of his body issuing of the chief lords of the fee thereof, by the services therefore due, to find one fit chaplain and twelve poor people yearly in the manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said William or any of his heirs or assigns aforesaid, or any other with the assent of the said William or any of his heirs aforesaid, shall break the said Ordinance or shall not in all things fulfil the ordinance aforesaid to these presents annexed, then and from thenceforth the estate which the said William Speke and his heirs have in all the aforesaid lands and tenements, with the appurtenances, and in every part thereof shall cease and be determined for ever ; and that all the aforesaid lands and tenements, with

the appurtenances, shall wholly and immediately remain to *Walter Bluet* and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services therefore due, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said Walter shall die without any heir male of his body begotten, or the said Walter or any of his heirs or assigns, or any other with the assent of the said Walter, or any one of his aforesaid heirs, shall break the said Ordinance or shall not in all things fulfil the aforesaid Ordinance to these presents annexed, then and from thenceforth the whole estate which the said Walter and his heirs aforesaid have in all the aforesaid lands and tenements, and in every part thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *William Courtenay*, the son of me the aforesaid Philip Courtenay, and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services thereof due, to find one fit chaplain and twelve poor infirm people yearly in manner and form aforesaid, and to discharge and fulfil all other burthens of the said House of Goddishous according to the aforesaid Ordinance. And if it shall happen that the said William Courtenay

shall die, or that the said William or any of his heirs or assigns, or any other, with the assent of the said William or any of his said heirs, shall break the aforesaid Ordinance, or shall not in all things fulfil the aforesaid Ordinance to these presents annexed, then and from thenceforth all the estate which the aforesaid William Courtenay and his said heirs have in all the aforesaid lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *William Bonevile*, the son of me the aforesaid William Bonevile, and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance. And if it shall happen that the said William Bonevile, the son, shall die without an heir male of his body begotten, or that the said William or any of his said heirs, or any of their assigns, or any other, with the assent of the said William the son, or any of his heirs aforesaid, shall break the said Ordinance, or shall not in all things fulfil the said Ordinance to these presents annexed, then and from thenceforth the whole estate which the said William the son and his said heirs have in all the said lands and tenements, with the appurtenances,

and in every parcel thereof, shall cease and be determined for ever; and that all the said lands and tenements, with the appurtenances, shall wholly and immediately remain to *Thomas Courtenay*, Earl of Devon, and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services aforesaid, to find one fit chaplain and twelve poor people yearly, in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said Earl shall die without any heir male of his body begotten, or that he or any of his said heirs, or any of their assigns, or any other, with the assent of the said Earl or any of his said heirs, shall break the said Ordinance, or shall not fulfil the said Ordinance in all things, then and from thenceforth the estate which the said Earl and his aforesaid heirs have in all the said lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *Humphrey Beville* and the heirs of his body begotten, to be held of the chief lords of the fee thereof by the services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said house of Goddishous, according to the aforesaid

Ordinance to these presents annexed. And if it shall happen that the said Humphrey shall die without an heir male of his body begotten, or that he or any of his said heirs, or any of their assigns, or any other, with the assent of the said Humphrey or any one of his said heirs, shall break the said Ordinance, or not fulfil the aforesaid Ordinance in all things, then and from thenceforth the whole estate which the said Humphrey and his heirs aforesaid have in all the aforesaid lands and tenements, with the appurtenances and every part thereof, shall cease and be determined for ever; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *John Fortescue*, Serjeant-at-Law, and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the aforesaid services, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said John Fortescue shall die without an heir male of his body begotten, or that he or any of his heirs, or any of their assigns, or any other, with the assent of the said John or any of his heirs aforesaid, shall break the said Ordinance, or shall not fulfil the said Ordinance in all things, then and from thenceforth all the estate which the said John and his heirs aforesaid have in all the aforesaid lands and tenements, with the appurtenances,

and in every part thereof, shall cease and be determined for ever ; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *John Copleston* and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services aforesaid, to find out one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said house of Goddishous according to the said Ordinance to these presents annexed. And if it shall happen that the said John Copleston shall die without an heir male of his body begotten, or that he or any of his said heirs, or any of their assigns, or any other, with the assent of the said John or any of his said heirs, shall break the said Ordinance, or shall not in all things fulfil the said Ordinance, then and from thenceforth all the estate of the said John and his said heirs in all the aforesaid lands and tenements, with the appurtenances, and in every part thereof, shall wholly cease and be determined for ever ; and that all the aforesaid lands and tenements, with the appurtenances, shall wholly and immediately remain to *John Whiteleggh* and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said House of Goddishous according to the afore-

said Ordinance to these presents annexed. And if it shall happen that the said John Whitelegh shall die without an heir male of his body begotten, or that he or any of his heirs, or any of their assigns, or any other, with the assent of the said John or any of his heirs, shall break the said Ordinance, or shall not in all things fulfil the said Ordinance, then and from thenceforth all the estate of the said John Whitelegh and his said heirs in all the said lands and tenements, with the appurtenances, and in every part thereof, shall wholly and immediately remain to *Nicholas Carrewe*, knight, and the heirs male of his body begotten, to be held of the chief lords of the fee thereof, by the services aforesaid, to find one fit chaplain and twelve poor people yearly in manner and form aforesaid, and to discharge and fulfil all the other burthens of the said house of Goddishous, according to the aforesaid Ordinance to these presents annexed. And if it shall happen that the said Nicholas shall die without an heir male of his body begotten, or that he or any of his said heirs, or any of their assigns, or any other, with the assent of the said Nicholas or any of his said heirs, shall break the said Ordinance, or shall not in all things fulfil the aforesaid Ordinance, then and from thenceforth all the estate of the said Nicholas and his said heirs, of and in all the aforesaid lands and tenements, with the appurtenances, and in every part thereof, shall cease and be determined for ever; and that all the aforesaid lands

and tenements, with the appurtenances, shall by these presents wholly and immediately remain to the Most Illustrious Prince and Lord Henry the Sixth, of England and France, King, and to his heirs kings of England for ever, to perform fully the aforesaid works of piety by his escheator in the county of Devon, according to their good pleasure, and as shall be agreeable to their royal will; [the said escheator] duly rendering a faithful account of all his receipts and payments in the King's Exchequer. In witness whereof we, the said Philip William Boneville and William Filham have to this Charter set our seals. Witnesses: Edward Lacy, Bishop of Exeter; Thomas Courtenay, Earl of Devon; Thomas Beamound, John Dynham, John Speke, knights; John Hull, Mayor of the city of Exeter; John Salter, Thomas Cook, of Exeter, and many others. Dated at Exeter, the fourth day of September, in the seventeenth year of the reign of King Henry, after the Conquest of England, the Sixth.



2011